UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/5/Add.62
30 November 1989

ENGLISH
ORIGINAL: FRENCH

Committee on the Elimination of Discrimination
Against Women
(CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

ITALY

V.89 61858 7012e

Italy ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women on 10 June 1985 and the Convention entered into force on 10 July of the same year. As a result its provisions have become binding legal norms of Italian law.

This report, which reviews the application in Italy of the principles and rules set forth in the Convention, covers the period ending on 31 May 1989. It was prepared by the Interministerial Committee on Human Rights set up by the Ministry of Foreign Affairs, whose membership has been expanded to allow for broader participation.

Attention is also drawn to the fact that the National Commission for the Achievement of Equality between Men and Women, attached to the Office of the Prime Minister, contributed to the preparation of the document at a subsequent stage and approved it in full.

INTRODUCTION

1. Political structure

Italy is a democratic republic based on separation of the legislative, executive and judicial powers.

The Parliament has two chambers, the Chamber of Deputies and the Senate; they are elected for a term of five years and exercise legislative power jointly.

Legislation may be proposed by the Government, by any of the members of the two Chambers, by other bodies and organizations empowered to do so under constitutional law and by the people, when the legislation is proposed by at least 500,000 electors.

Laws are promulgated by the President of the Republic within one month of their passage.

Under the Italian Constitution, the abrogation, in full or in part, of a law or of an instrument having the force of law is subject to referendum.

The Government, consisting of the Prime Minister and other ministers, must have the confidence of both Chambers.

Justice is administered in the name of the people and judges are subject only to the law.

2. Accession to international agreements and instruments

The ratification of international treaties and conventions is effected by the President of the Republic, subject, where necessary, to the prior authorization of the Chambers. Such authorization is required, and must be given in the form of a law, for the ratification of treaties of a political nature, or those providing for judicial settlements and those entailing modifications of the national territory, having financial implications or amending laws.

Italian law can be brought into conformity with international law in two different ways; either automatically, in respect of customary norms or, in respect of treaties, by means of an *ad hoc* instrument.

The instrument in question is an "order of execution", which is a special or referral procedure; it expresses the desire to enforce and apply the treaty within the State and gives international treaty law the force of domestic law.

An order of execution is typically introduced by the formula "Full force of law is hereby given to the treaty ...", followed by a reproduction of the text of the agreement concerned.

In addition to the Convention on the Elimination of All Forms of Discrimination Against Women, Italy has ratified a number of other international conventions of special relevance to women that were adopted under the auspices of the United Nations: the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (ratified on 18 January 1960); the Convention on the Political Rights of Women (given effect by Law No. 326 of 24 June 1969); and the International Covenant on Economic, Social and Cultural Rights (in force in Italy since 15 December 1978).

Italy has also ratified many conventions of the International Labour Organisation, including Convention No. 89, concerning the Night Work of Women Employed in Industry (22 October 1952); Convention No. 100, concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (8 June 1956); Convention No. 103, concerning Maternity Protection (5 May 1971); Convention No. 111, concerning Discrimination in respect of Employment and Occupation (12 August 1963); Convention No. 117, concerning Basic Aims and Standards of Social Policy (27 December 1966); and Convention No. 122, concerning Employment Policy (5 May 1971).

In the sphere of regional international law, Italy ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms on 26 October 1955 and the European Social Charter on 22 October 1965. Also within the framework of the Council of Europe, it ratified the following conventions, which are of special relevance to women: the European Convention on Social and Medical Assistance (1 July 1958); the Convention on the reduction of cases of Multiple Nationality and on Military Obligations in cases of Multiple Nationality (27 February 1968); the European Code of Social Security (20 January 1977); the European Convention on the Adoption of Children (25 May 1976); and the European Agreement on the Transmission of Applications for Legal Aid (6 June 1983).

The principle of non-discrimination on grounds of sex is laid down in the Treaty establishing the European Community, signed at Rome on 27 March 1957.

Italy, as a member of the European Economic Community, also applies the Community's resolutions and the five Community directives concerning equality between men and women.

These provide for:

1. Alignment of the legislation of member States with regard to the application of the principle of equal remuneration for men and women workers;

2. Application of the principle of equal treatment for men and women in respect of access to employment, training and career development, and conditions of work;

3. Gradual application of the principle of equal treatment for men and women in respect of social security;

4. Equal treatment under occupational social security schemes;

5. Application of the principle of equal treatment for men and women working in a self-employed capacity, including occupations in the agricultural sector, and in respect of the protection of maternity.

Italy also plays a prominent part in the European Parliament, where it is actively engaged in the struggle for equality.

The European Parliament itself, after establishing an Ad Hoc Commission on the Rights of Women by its resolution of 26 October 1979, adopted on 11 February 1981 a resolution on the status of women in the European Economic Community and, on 17 January 1984, a resolution on the situation of women in Europe, which stresses the need to eliminate all forms of discrimination, especially indirect, in all areas, in order to achieve genuine equality of men and women, who must, inter alia, be allowed to participate in decision-making at all levels.

2.1 Main ILO Conventions ratified by Italy

No. 13 White-lead painting, 1921;

No. 45 Underground work, 1945;

No. 81 Labour inspection, 1947;

No. 87 Freedom of association and right to organize, 1948;

No. 89 Night work of women employed in industry, 1948;

No. 97 Migrant workers, 1949;

No. 100 Equal remuneration, 1951;

No. 102 Social security (minimum standards), 1952;

No. 103 Maternity protection, 1952;

No. 111 Discrimination in respect of employment and occupation, 1958;

No. 115 Protection against radiations, 1960;

No. 117 Basic aims and standards of social policy, 1962;

No. 122 Employment policy, 1964;

No. 127 Maximum weight, 1967;

No. 136 Protection against hazards of poisoning arising from benzene, 1971;

No. 142 Vocational guidance and vocational training in the development of human resources, 1975.

2.2 Main instruments adopted by the Council of Europe

- European Social Charter (ratified by Italy on 22 October 1965) (articles 4, 8 and 17);

- Resolution (77) 1 on the employment of women (11 January 1977);

- Recommendation 741 (1974) on the legal situation of women;

- Resolution 606 (75) on the rights and political situation of women;

- Declaration of the Standing Conference of European Ministers of Education (1979) on education and equal opportunities for girls and women;

- Recommendation 1008 (1985) on the role of women in political life;

- Recommendation (85) 2 of the Committee of Ministers on legal protection against sex discrimination;

- Resolution 855 (1986) on equality between men and women;

- First European Ministerial Conference on Equality between Women and Men, 1986;

- Additional Protocol to the European Social Charter (submitted for signature on 5 May 1988), article 1.

2.3 Main instruments adopted by EEC

- Treaty establishing the European Economic Community (Rome, 25 March 1957), in particular, articles 100, 101, 102, 117, 118, 119 and 120;

- Directive 75/117 (on the application of the principle of equal pay for men and women);

- Directive 76/207 (on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions);

- Directive 79/7 (on the implementation of the principle of equal treatment for men and women in matters of social security);

- Directive 86/378 (on the implementation of the principle of equal treatment for men and women in occupational social security schemes);

- Directive 86/613 (on the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on protection during pregnancy and maternity);

- Commission decision of 9 December 1981 to set up an Advisory Committee on Equal Opportunities for Women and Men;

- Council resolution of 12 June 1982 on the promotion of equal opportunities for women;

- Community action programme on the promotion of equal opportunities for women (1982-1985);

  Commission resolution of 14 December 1982;

- Council resolution of 7 June 1984 on action to combat unemployment amongst women;

- Council recommendation of 13 December 1984 on the promotion of positive action for women;

- New action programme on the promotion of equal opportunities for women (1986-1990);

  Council resolution of 24 July 1986;

- Council conclusions of 26 May 1987 on vocational training for women;

- Council conclusions of 26 May 1987 on protective legislation for women in the States members of the European Communities;

- Commission recommendation of 24 November 1987 on vocational training for women.

Among the instruments now under study, we should mention:

. Proposal for a Council resolution on the sharing of family and occupational responsibilities;

. Proposal for directives on parental leave and leave for family reasons;

. Proposal for directives on the reversal of the onus of proof in the field of equal pay and equal treatment between men and women.

Italy is favourably disposed towards these instruments.

3. Development of internal legislation

It could be said that the beginning of the legislative reforms that have accompanied Italy's gradual movement towards equality in the treatment of women and men and the elimination of every form of discrimination goes back to the unification of the nation, although the chief impulse was given by the emergence of the Republic after the Second World War.

The first civil code of 1865 defined the legal status of women in unified Italy as that of persons totally subjected to the family situation and heavily discriminated against in comparison with men, as had been the case in some legislations before the unification. Women did acquire certain elements of equality, such as coming of age at 21 as for men, the same rights of inheritance and the attribution of parental authority over the children, although the exercise of this parental authority remained reserved to the father.

As regards marriage, discrimination against the wife was considerable: she was obliged to accompany her husband anywhere where he thought fit to establish his residence and was subjected to her husband's authority and protection.

The most serious limitations were those which prevented the wife from giving or selling real property, mortgaging it, raising loans, giving or receiving capital, entering into insurance contracts, and embarking on negotiations or lawsuits with regard to such transactions, unless she had been given her husband's authorization.

A law of 1887 abolished the provisions whereby women were prevented from appearing as witnesses in public or private cases.

In 1907 the legislation on women's and children's labour was drafted: from the protective point of view, women were assimilated to minors as regards the prohibitions against employing them on dangerous, unduly tiring or unhealthy forms of work, or on night-work. They were accorded the right to have one full day of rest per week.

The protection of motherhood was defined for the first time, although in a rudimentary fashion; pregnant women were granted absence from work for one month after confinement.

The first important law recognizing the rights of women dates from 1919: it repealed the previous regulations requiring the husband's authorization for certain legal actions and included women in the family council.

It established that "women are permitted, on the same footing as men, to carry on all professions and occupy any public posts except those involving public jurisdictional powers or the exercise of political rights and powers, or concerning the military defence of the State" (article 7).

Thus women remained excluded from all public employment carrying the status of a senior State official or a rank higher than director-general, such as director-general to the ministries, State auditor-general, provincial administrator, minister plenipotentiary and consul-general, or director-general of the railways; and every form of employment as magistrates or of a judicial nature, including the functions of a chancellery or secretariat to courts of first instance as well as all other courts of law; they were also excluded from employment as judicial officers, in the police force, as prison warders, etc.

The new civil code of 1942 maintained for married women the discriminatory provisions of the previous code, such as subjection to the authority and protection of their husbands, the obligation to accompany their husbands to any residence chosen by them, etc., to the extent that the family continued to be governed by rigid hierarchical criteria.

Even the administration of the family property was in line with these criteria. The separation of property guaranteed the generator of the income, who was almost always the husband, the status of sole owner of all property acquired, without regard to the wife's contribution of sacrifices, savings, housework and in many cases work outside the house.

Furthermore, the husband was by law the administrator of the dowry, which worsened the state of subjection of the wife in that she could not even administer the property which she had herself brought into the marriage.

However, outside marriage women were regarded as legal persons on a footing of equality with men so far as private law was concerned, except in the labour field.

A royal decree of 1944 abolished the prohibition against women teaching certain subjects or assuming directing tasks in secondary teaching institutions.

At the end of the fascist dictatorship and in view of the referendum which was to lead to the establishment of the Italian Republic, Italian women were in 1945 given the right to vote for the first time in history.

In 1946 women were permitted to be members of juries in the assize courts, "but in a number not exceeding one third of the total".

The Constitution of the Italian Republic, which entered into force on 1 January 1948, provided as regards the principles of parity and equality as follows:

> Article 3: "All citizens are invested with equal social status and are equal before the law, without distinction as to sex, race, language, religion, political opinions, and personal or social conditions. It is the responsibility of the Republic to remove all obstacles of an economic and social nature which, by limiting the freedom and equality of citizens, prevent the full development of the individual ..."
>
> Article 29: "Marriage is based on the moral and legal equality of the husband and wife, within the limits laid down by the laws for ensuring family unity."
>
> Article 37: "Female labour enjoys equal rights and the same wages for the same work as male labour. Conditions of work shall make it possible for women to fulfil their essential family duties and provide for the adequate protection for mothers and children."
>
> Article 51: "All citizens of either sex are eligible for public office and for elective positions on conditions of equality, according to the requisites established by law."

As we see, the general principle of equality solemnly proclaimed in article 3 is subject to exceptions in two fields, that of the family in which limits are set to secure the unity of the family, and that of labour, where equal treatment is made subject to an evaluation of the work performed by women.

Articles 29 and 37 legalized the continuance of certain of the previous regulations until such time as the legislator appeared and applied the principle of equality in a concrete way in harmony with the social development of our country, with the progress of the peoples of the world and with the undertakings entered into by Italy at the international level.

The provisions of the Constitution were not directly applicable to the citizens, but these provisions were to act as principles to be borne in mind by the legislator at the time of issuing new laws.

The previous provisions, even if at variance with these principles, continued in force until such time as the constitutional court called upon to make a decision in each case at the request of a judge who had the task of applying them, declared them to be unconstitutional and thus eliminated them from the legislation.

The most important of the invalidated provisions was article 7 of the law of 1919 which made careers accessible to women while excluding them from some areas. This question arose in 1960, and in this connection the court found that:

> "The difference of sex as such can never be a reason for legislative discrimination, that is to say, it cannot lead to a different treatment before the law of persons belonging to one or the other sex".

The constitutional court has pronounced other important judgements on the question of legal equality between partners to a marriage with regard to the provision by the penal code of different offences and punishments for unfaithful wives and husbands, a wife's infidelity being regarded as more serious.

In 1969 the courts noted on this subject that discriminations went back to former times when women were considered, even in law, as incapacitated and deprived of many rights, and these discriminations had thus become incompatible with the social reality in which "women have acquired their full rights and in which their participation in the economic and social life of the family and of the community as a whole has become much more intensive to the point of being in full parity with men ...".

Other judgements have had a decisive effect on legislation. For example, there was the judgement of 1971 which declared unconstitutional the provision of the penal code that censured propaganda in favour of contraceptive practices, followed in 1975 by the act on family consultation centres, that is on social health services established to come to the assistance of the individual, the married couple and the family according to the different aspects of their problems.

Further examples are the 1975 judgement which recognized the possibility of interrupting pregnancy in cases of serious harm or danger for the woman, thus opening the way for the law of 1978 which legalized abortion, and finally the 1983 judgement on citizenship which awarded Italian nationality to children of Italian mothers, which was followed shortly afterwards by special regulations.

In 1950 came the first law that dealt consistently with the matter of the protection of working mothers and stated some important principles with the aim of protecting the woman and enabling her to reconcile motherhood and work. The merit of this law is that it introduced a guarantee of the right to work for women at the same time as prohibiting their dismissal from the beginning of pregnancy until the child has reached the age of one year, the prohibition of employing pregnant women in the transport and lifting of weights and other dangerous, tiring or unhealthy work, and the prohibition of assigning work to women during the three months preceding the confinement and during the following eight weeks.

Provision has been made regarding medical assistance at the confinement, rest-periods for nursing the child, and the rate of pay during absences for maternity, on which matter we would refer to law No. 7 of 9 January 1963 which set the rate of pay at 80 per cent of salary, and law No. 1204 which reorganized the previous regulations and which today represents the principal reference on the subject.

The period of prohibition of assigning work to pregnant women has been extended to two months before the confinement and three months after it.

In 1963 a law was passed prohibiting the dismissal of a woman worker for reasons of marriage.

It had previously been quite common to find in women's work contracts a "nubility clause" which provided for their dismissal in the event of marriage.

That situation was justified by the heavier burden of the maternity payments, by increased absence from work and, more generally, by lower efficiency due to the double amount of work which fell to the lot of the woman after she married; but that certainly ran counter to the constitutional principle whereby a woman's working conditions must be such as to enable her to discharge her "basic family duty".

Under this law, clauses stipulating the dismissal of women workers as a consequence of marriage are considered invalid, as are dismissals occurring during the period from the publication of the marriage banns until one year after the wedding.

Following the ruling of the Constitutional Court, which in 1960 declared illegal the exclusion of women "from any public function involving the exercise of rights and political powers", an exclusion allowed by the law of 1919, a law passed in 1963 made it quite clear that women could have access to all public offices, professions and employment, including in the judiciary, in various posts, occupations and capacities, without any limitation of function or career development, although still with respect for the qualities required by the law.

On the question of enlistment of women in the armed forces and in specialized corps reference was made to special laws.

The year 1970 saw the introduction of divorce into Italy. This law has made it possible, first, to regularize de facto family situations by means of marriage and thereby let families enjoy the legal protection envisaged for the spouses; second, it has introduced into the legislation for the first time a principle by which when defining the economic relationship between the divorcees, the judge must also bear in mind the financial contribution and the personal commitment that each of the spouses has brought to the functioning of the family and to the formation of the estate of the two parties.

This norm was introduced to safeguard the interests of housewives who, after a lifetime devoted to the family and having given up the possibility of engaging in an occupation, are deprived of personal income. This law, furthermore, has been modified and supplemented on several occasions, most recently by Law No. 75, with the objective, inter alia, of improving the safeguards for the weaker spouse.

In May 1975 a law reforming the family law was promulgated.

The former provisions which stipulated a difference in treatment for the spouses have been abolished; the "new family" of today is built upon a foundation of equality and solidarity.

Through their marriage the husband and the wife acquire the same rights and assume the same responsibilities.

In both cases the spouses are obliged to contribute to the needs of the family, each according to the property they possess and their capacity for work, either in an occupation or in the household.

Equality is affirmed also in relations with children through recognition of the woman's right to exercise parental authority on an equal footing with her husband.

Certainly the most important innovation of the reformed legislation is the introduction of the concept of joint property in which everything acquired after marriage is considered by law the common property of the two spouses, to be shared equally unless by mutual agreement they decide to keep their property separate.

The 1975 law governing the establishment of family counselling centres defined the nature, purpose and tasks of this service offering aid in cases of responsible maternity and paternity in respect of the couple's problems and those of the family, as well as in the case of problems with juveniles; it conferred upon the regions the task of establishing by means of appropriate legislation the principles that should be applied in the planning, operation, management and control of this service.

In application of the constitutional principles and the directives of the European Economic Community, Law No. 903 of December 1977 introduced an official prohibition of all discrimination based on sex with regard to access to work, regardless of recruitment procedures, in all sectors and branches of activity, as well as in vocational training, at all grades and levels.

The prohibition is extended to cover any reference whatsoever to marital or family status or to pregnancy, through any form of preselection, publication in the press or any other form of advertising specifying a particular sex as a requirement for employment, except in the fields of fashion, art and the theatre, where a particular sex may be essential to the type of work involved. The law also prohibits any discrimination between men and women with regard to grading, duties and career development.

A provision that is important for making equality more effective, but that has not so far been applied to any great extent, is the one extending also to working fathers, as an alternative, the right of working mothers to absent themselves from work and to be paid during such absence.

In May 1978, a law was promulgated which gave rise to major differences of opinion in the Parliament and throughout the country. This law legalized abortion, recognized the right of women to decide this matter for themselves and guaranteed that any medical intervention required would be provided free of charge.

During the first 90 days of pregnancy, abortion is always allowed simply at the request of the woman, which may be made through her private doctor or a counselling centre doctor.

After the first 90 days, termination of pregnancy is allowed, still at the woman's request, only if pregnancy or childbirth will entail a serious risk to her life or if pathological developments, including abnormalities or malformation of the foetus, are discovered which present a grave threat to the woman's physical or mental health (therapeutic abortion).

The operation may be performed only by doctors in hospitals or in authorized private clinics (the clinics can carry out abortion only during the first 90 days).

Law No. 442 of 1981 annulled the indictability of "matters of honour", and also abolished the "shotgun marriage" and the "debt of honour".

The previous law on Italian nationality, going back to 1912, reflected the concepts of the time, which considered women inferior to men and even unworthy of full legal capacity: nationality was transferred to the children through the father alone, and an Italian mother could pass on her own nationality only if the father was unknown or stateless or if he had the nationality of a State whose nationality was not transmitted to the children.

Marriage included the automatic acquisition of nationality for a foreign woman who married an Italian, whereas an Italian woman who married a foreigner and acquired his nationality, under the law of the husband's country, automatically lost her own.

The new family law allowed the Italian wife of a foreign citizen to give up her own nationality and afforded women who had lost theirs through marriage an opportunity to recover it simply by stating that they wish to.

A law of 1983 establishes the principle of equality between the sexes in this matter: both the mother and the father transmit their nationality to the children, and a foreign spouse, whether wife or husband, acquires Italian nationality if he or she has resided for at least six months in the territory of the Republic or after three years of marriage.

In April 1989, after a prolonged effort (including even the adoption of firm positions) that aimed to develop awareness among the political forces based on women's movements in the parties and all the various other social forces, the Senate finally approved the text of an amendment (which is still going through the Parliament) on offences committed against the person which take the form of sexual violence.

The regulations adopted under the laws mentioned above ensure that women enjoy fundamental rights and give formal recognition to the principle of equality and the prohibition of all forms of discrimination that is enunciated in the Constitution.

The principal objective of the next legislative phase, still under way, is to overcome de facto discrimination and the obstacles standing in the way of implementation of those principles; this is why it is mainly directed towards "positive action" and to measures in support of women's rights.

Article 1

The concept of discrimination

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The events of Italian history, the international situation and the many forms of participation by the citizens at the decision level have helped to shape in our country an advanced social organization in which the multiple links that unite the State and society have widened and developed the richness of the democratic framework and the forms of association and leadership of individuals and groups.

A general recognition of the rights of individuals and fundamental freedoms has gradually led to the involvement of population levels that had previously been left on one side. This involvement has in its turn strengthened the Italian democracy quantitatively and qualitatively to the point of becoming one of its principal foundations.

Especially the explosive and subjective feminist movement, which is both cause and effect of policies aiming to eliminate all forms of discrimination with regard to women, now seems to have become a permanent feature playing a fundamental part in the future development of the democratic system itself. This process is characterized by a number of stages.

We might simplify the matter by stating that institutional choices intended to secure parity were a feature of the long stage of feminine emancipation since shortly before the struggle for Liberation began, while the present stage is characterized by equally significant options in favour of equality of opportunity with a view to the final elimination of every form of discrimination against women.

It may indeed be thought that considerable results have been achieved at the political level in this connection.

Even the ratification of the Convention with which we are concerned here seems not to have been simply a routine action or formal adhesion, but took the more significant form of a total adhesion and a continuation of a commitment which had already been entered into domestically and already been witnessed by numerous measures of a not purely legal kind.

As may be deduced from the juridical system and also from present policies aimed at eliminating the specific manifestations and causes of discrimination, the concept of discrimination in a similar context is perfectly consistent with the definition contained in article 1 of the Convention, and with the development of the community formulation on the subject.

In analysing the concept of discrimination, including all domains of social and political life, a line of tendencies may be distinguished that leads from the

necessary commitment against any kind of formal and direct discrimination, through the identification of indirect forms of discrimination, which are equally deserving of conscious and functional policies with a view to overcoming the effects, and on to the definition and application of the above-mentioned positive actions directly aimed at equality of opportunity for women.

Generally speaking, the concept of discrimination contains the idea of difference of treatment for persons who are in the same situation, for example a difference of pay for equal work or work of equal value.

This same concept also implies that certain persons, because of their sex or some other condition, are unable to obtain education, follow certain careers or perform certain kinds of work and activities, but it also includes the creation of obstacles to the progress of a career, to attaining certain posts and to access to certain forms of financing. The discrimination may be based in law when the law provides for a difference of treatment, including access in the sense implied above, between men and women, and also in persistent behaviour patterns.

Generally speaking, despite a certain measure of uniformity due to the wide use of mass communication media, particularly television, one still finds in areas remote from the large urben centres prejudices and limitations of an essentially cultural nature which lead to discrimination against women or oblige women to discriminate against themselves.

In particular, the forms of direct or indirect discrimination caused by discriminatory behaviour patterns turn out to have such special persistence that it is difficult to identify them as such in a first abstract evaluation (cf. Convention, articles 5 and 10), and therefore they tend to escape precise identification.

Article 2

Policy for the elimination of discrimination

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

2. (a) Constitutional principles

The principle of equality in its many different forms (sex, race, language, religion, political opinions, personal and social status) is generally recognized in the Italian legal system and permeates the constitutional precept in its entirety. The historical vicissitudes of the Italian Constitution, approved in 1948 after the struggle for liberation and after extensive national debate, have influenced the formulation of a text in which the values of equality, liberty and democracy are broadly recognized.

An express reference to equality of the sexes is embodied mainly in article 3, paragraph 1, of the Constitution: "All citizens are invested with equal social status and are equal before the law, without distinction as to sex, race, language, religion, political opinions and personal or social conditions."

Further on, article 29 states, in its first paragraph, that "The Republic recognizes the family as a natural association founded on marriage". In the second paragaraph it provides that "Marriage is based on the moral and legal equality of the husband and wife within the limits laid down by the laws for ensuring family unity".

Article 37 in the first paragraph states that "Female workers enjoy equal rights and the same wages for the same work as male workers. Conditions of work must make it possible for women to fulfil their essential family duties and provide for the adequate protection of mothers and children."

The first paragraph of article 51 states that: "All citizens of either sex are eligible for public office and for elective positions on conditions of equality, according to the requisites established by law".

With a view to subsequent inclusion in the Constitution of the principle of the equality of the sexes, the Parliamentary Commission for Institutional Reform, acting on a recommendation of the National Commission for the Achievement of Equality between Men and Women, in its final report (29 January 1985), proposed the following amendments to the Constitution: in article 29 the first paragraph would not be changed but the second paragraph would be altered to read: "Marriage is based on the moral and legal equality of husband and wife, with a view to ensuring family unity", while in article 37 the second sentence of the first paragraph would be altered to read: "Conditions of work must make it possible for them to fulfil their duties in the family and ensure adequate protection for mothers, fathers and children".

2. (b) Legislation to implement the constitutional principle

The directly preceptive value of some of the constitutional provisions makes them directly enforceable, even by judicial and contractual means.

In other cases, however, it has proved necessary to enact specific legislation.

In both cases, moreover, the legislators have several times acted to make the constitutional principles effective through an organized regulatory framework in which the values of equality and respect between individuals, regardless of sex, are stressed.

The points noted above show the connections between the numerous laws enacted to implement the constitutional principle of non-discrimination, laws intended to make the social reality conform to this principle and aimed at ensuring the principle's observance at all levels, and not merely on a formal plane.

The present report will review the legislative measures adopted, which range from measures for protection, through equality legislation, to provision for positive action in favour of women.

It is clear from the set of laws adopted so far that in the view of the Italian legislators juridical equality and de facto equality are inseparable but the laws needed to guarantee them are not alone sufficient.

Indeed, it is only in the last few years that it has also been considered essential to establish special administrative machinery (National Committee for Equality of Opportunity, attached to the Ministry of Labour; National Commission for the Achievement of Equality between Men and Women, attached to the Office of the Prime Minister; committees, commissions, councils, and advisers on equality in the regions), and to take special forms of positive action, for which legislation was even envisaged but which were then introduced at the contractual level and supported by special public measures of assistance (cf. articles 4 and 11).

Italian legislation provides for special penalties designed to guarantee equality in all aspects of work.

Law No. 903/77 provides in article 16 that non-compliance with the provisions of article 1, paragraphs 2 and 3, and article 2, paragraphs 3 and 4 (relating, respectively, to the prohibition of discrimination in access to work, remuneration, grading, functions, career development and retirement) is punishable by a fine of 200,000 to 1 million lire.

Non-compliance with the provisions of article 5 (which deals with night work for women and provides for the suspension of the prohibition, by collective negotiation even at enterprise level, in the case of women workers in industry) is punishable by a fine of 20,000 to 100,000 lire per woman employed and per working day, with a minimum of 400,000 lire.

For non-compliance with the provisions contained in articles 6 and 7 (concerning leave in the event of giving a home to a child with a view to its adoption, or in the event of adoption, and the granting of the right of optional absence from work for six months during the first year of the child's life to a working father, as an alternative to the working mother), the penalties specified in article 31 of Law No. 1204 of 30 December 1971 (Protection of Working Mothers) are imposed, namely a fine of 20,000 to 100,000 lire.

2. (c) Legal protection of the rights of women and jurisdictional guardianship

As provided in the Convention, the legal protection of the rights of women applies on an equal footing with men.

The legal enforceability of these rights is raised to the level of a constitutional principle (Constitution, article 24: "All citizens are entitled to institute legal proceedings for the protection of their own rights and legitimate interests").

This principle fits into a context which provides for the right to defence, protection of the economically weak and independence of the judiciary, as the essential components of a legal system based on certain rules that apply to all.

It is also worth drawing attention in particular to the increasing importance attached to the institution of legal proceedings in defence not only of individual interests but also of collective interests, as a result of action by administrations or organizations representing such interests.

From this standpoint, an interesting hypothesis with regard to the legal proceedings of the National Committee for Equality of Opportunity (attached to the Ministry of Labour) is defined in the Government bill on the introduction of positive measures, referred to in the previous article.

The absence of discrimination in this area, however, is not contradicted by a specific mechanism covering all aspects of the violation of rights relating to equality of access to employment or the violation of regulations governing night work by women.

In this connection, article 15 of Law 903/77 provides that, when a worker or, by delegation, trade union organizations seek legal remedy, the judge of first instance of the place of occurrence of the alleged offence shall, in his capacity as labour arbitrator, during the two following days "after calling the parties together and gathering the summary information, if he considers that the subject of the complaint is continuing, order by means of a reasoned and immediately enforceable decree", the perpetrator of the alleged offence to cease his illegal conduct and eliminate its effects.

The enforceability of the decree cannot be revoked prior to the judgement by which the judge of first instance decides in the case.

The purpose of this procedure is to put a rapid end to the unlawful conduct and to eliminate its discriminatory effect on women.

These rules and the reform of procedures in the labour field ensure effective monitoring of rights, with special attention to the timing of the procedure involved.

The judicial enforceability of women's rights in the field of labour is an area in which the National Committee for Equality of Opportunity has played a role, furnishing advice even in connection with cases involving individuals.

With regard to the protection afforded by the courts and the developing jurisprudence in relation to the status of women, see paragraph 2 (e) below.

2. (d) Measures applied to avoid all discrimination against women and to induce the public authorities and bodies to fulfil this obligation

As this report indicates, a wide range of measures have been taken to bring about equality and to eliminate discrimination.

Regulatory action, in particular, imposes even on the public authorities the obligation to comply with legislation concerning equality. However, it has been necessary for the public authorities to set themselves as a significant example by going beyond the mere efforts to eliminate all forms of discrimination and adopting positive policies designed to redress the balance in favour of women, especially at the highest levels.

Attainment of this objective is a specific function of the Civil Service Monitoring Board set up under a decree of 25 February 1986. In particular, under an interdepartmental agreement on personnel of the civil service, the parties have agreed on the need to develop to a greater extent, through appropriate discussion at the various places of employment, measures and mechanisms that will ensure genuine equality of men and women in the civil service, and to furnish, through the Monitoring Board, relevant information on access to employment and on the organization of work.

For this purpose a section has been set up in the Monitoring Board to consider the problems and to make practical proposals relating to the status of women in the public service.

A number of positive action bills designed to eliminate direct and indirect discrimination are currently awaiting parliamentary action.

With regard to the prison system, the regulations in force contain a number of of provisions for "adapting" the present system to the position of women. These include the following:

- Prisoners must be provided with healthy and adequate food appropriate to their age, sex, state of health and employment, as well as to the season and the climate;

- At each penal institution for women there must be special facilities for the care of pregnant women and women in childbed and mothers must be allowed to keep their children by them up to the age of three; special day nurseries must be established to look after and care for the children;

- Women must be housed in separate premises or in suitable parts of the institution;

- Personnel carrying out body searches must show full respect for the individual and those assisting them must be of the same sex as the person searched;

- As far as penalties for breaches of discipline are concerned, any measures excluding from joint activities pregnant women, women who have given birth up to six months previously and women breast-feeding infants up to the age of one year are suspended;

- A pregnant woman or one breast-feeding her own child or a mother living with her children if under three years of age may serve her sentence (where it is a case of imprisonment for not more than two years) in her home or in a public care or welfare institution;

- During the transfer of female prisoners assistance must be given by female personnel who perform the function of warders in the institutions.

A body of prison supervisors has been established, composed entirely of women who, at the time of their recruitment, take a brief theoretical and practical course of vocational training in prison organization and, more especially, prisoner relations. However, there are also male employees working in different sectors and at different levels in the same institutions.

Under the Italian system, the treatment of women in prison ensures for them a type of custody which is completely in line with the European Prison Regulations (recommendation R(87)3, adopted by the Ministerial Committee on 12 February 1987).

2. (e) Modification or abolition of discriminatory laws, customs and practices

On the basis of the constitutional principles which, as we have seen, already establish the basic principles for equality of men and women, Italy has gradually developed two lines of parallel action.

On the one hand, jurisprudence has over the years led to a subsequent and at times broader interpretation of the rules in force, which ensures that the various provisions are in complete conformity with the constitutional principles.

In particular, the Constitutional Court has frequently had to consider questions involving the constitutionality of legal provisions that may discriminate against women.

The repealing action of the Constitutional Court has consisted in a process of gradual, but increasingly thorough, adaptation.

Even the Court of Cassation has shown increasing sensitivity with regard to particularly important social problems, including the position of women.

On this subject, Judgement No. 1903 of 8 March 1986 is highly significant: in seeking to define the crime of rape, the Court considered that in order for the act to be punishable it was not necessary for the violence of its perpetrator to reach the point where it could no longer be resisted, nor for the person assaulted to have offered strong and steady resistance to the limits of her physical strength, inevitably accompanied by outward signs on the body or on the clothing.

In modifying the earlier concept under which the woman had to have put up a "heroic" fight, the judges have included in the concept of violence, violence of such a nature that, according to the circumstances, it places the victim in a position of not being able to offer all the resistance she might have wished, nor even managing in certain cases to call for help.

In any event, in the various parts of the report to which, sector by sector, they relate more directly, account will be taken of the judgements (of both the Constitutional Court and the Court of Cassation) which constituted the strong points in interpretation of Italy's legislation from the standpoint of its repercussions on the status of women.

Furthermore, the development of the policy of equality and, especially, the legislative trends of the last few years have been based, in this particular area, on a determination to abolish all provisions, practices and forms of behaviour which penalize women. This regulatory system is examined in detail in this report according to the matters dealt with in the Convention. Nevertheless, for the general principle it expresses, it is worth mentioning article 19 of Law No. 903/77 on equal treatment for men and women in the matter of employment, which states: "All legislative provisions conflicting with the requirements of the present law are repealed. In consequence internal rules and administrative instruments of the State and of other public bodies so conflicting shall cease to have effect.

"Likewise are null and void any provisions of collective or individual work contracts, internal regulations of enterprises and occupational conditions of service that are in conflict with the provisions of the present law."

2. (f) Repeal of discriminatory provisions of the criminal law

In the introduction to the present report reference was made to the repeal over the years of criminal law provisions that discriminated against women (crimes committed for reasons of honour, "shotgun" marriages).

The Law of 20 February 1958 provided for the "abolition of the regulations concerning prostitution and the suppression of exploitation of the prostitution of others". On this question, reference is made to section 6 of this report.

With further reference to the repeal of discriminatory provisions in the criminal law, new legislation concerning sexual violence, for which women's and feminist movements have been pressing, is now being considered for adoption. This type of offence is defined as a crime against the person and no longer as a crime against morality.

Article 3

Development and advancement of women

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The action taken by Italy to ensure the full development and advancement of women is outlined, in relation to the specific points dealt with in the Convention, in various parts of the present report.

In this connection attention is drawn, in particular, to the programme proposed by the National Commission for the Achievement of Equality between Men and Women, set up by a decree of the Prime Minister of 23 June 1984. This Commission is entirely composed of women, who are representatives of political parties and social bodies or experts in different fields.

It is a body which, within the Government, monitors the practical achievement of the equality that is provided for in the Constitution and confirmed by the laws, but has had only limited application in practice and is affected by social and cultural obstacles.

Its objectives have been determined and pursued in implementation of the suggestions and recommendations contained in the Programme of Action for the Second Half of the United Nations Development Decade for Women adopted at the Copenhagen World Conference held in 1980.

The Commission's terms of reference are as follows:

(1) To study and prepare the changes that are needed in order to bring the legislation into line with the objective of equality between the sexes.

(2) To identify, propose and implement forms of "positive action" that will reduce the remaining discrimination against women in various sectors: culture, education, information, politics, society, etc.

(3) To request the various competent authorities to co-ordinate the implementation of the above-mentioned "positive action".

(4) To promote research on the status of women in Italy and to ensure the publication and dissemination of the findings of this research through the Directorate-General for Information, Publishing and Literary, Artistic and Scientific Property of the Office of the Prime Minister.

(5) To spread knowledge of the facts and findings by encouraging their dissemination through the media (press, radio and television, both public and private) and also by ensuring the dissemination of information on recent national and international legislation in favour of women.

(6) To examine the use of the communication media in connection with the image of women, while promoting the adoption of codes of conduct through the establishment of a special Monitoring Board of the Commission.

(7) To take measures, in agreement with the Ministry of Education to see that the universities introduce courses and professorships, as well as relevant courses and scientific guidance in the various faculties, for the pupose of bringing to light and exploring in depth the many aspects of the problems of women.

(8) To develop and propose programmes of positive action aimed at furthering an adequate presence of women at all levels in private enterprises.

(9) To encourage the Administration to promote a genuine presence of women in national and international organizations, in public bodies and in economic institutions.

(10) To liaise with women's associations, both Italian and international, for the purpose of mutually exchanging information and to serve as a focal point.

(11) To serve as an information centre for similar bodies abroad, to disseminate information on the position of women in Italy and on the work of the Commission.

(12) To take action in favour of the appointment of women as representatives of Italy to conferences and international organizations concerned with women's affairs.

(13) To ensure the collection and cataloguing of works published by and concerning women during the most important periods in the history of their advancement.

The measures taken have included the following:

(1) Interview with Mr. Corder, Member of Parliament and Under-Secretary, on the career situation for women in the Ministry of the Interior (3 July 1984).

(2) Interview with Mr. Macri, Director of the Higher School of Public Administration, on employment and careers for women in the civil service (6 November 1984).

(3) Submission to Mr. Aldo Bozzi, Member of Parliament and Chairman of the Parliamentary Commission for Institutional Reform, of proposals formulated by the National Commission for amendment of articles 2, 29, 36 and 37 of the Constitution (14 November 1984), later approved by the Parliamentary Commission as far as articles 29, 36 and 37 were concerned (29 January 1985).

(4) Interview with Ms. Miriam Mafai, President of the National Press Federation of Italy, on the position of women in the mass media (4 December 1984).

(5) Presentation of the initial findings of the study "Women and New Technologies" (Milan, 26 February 1985).

(6) Meeting and exchange of information with Ms. Yvette Roudy, French Minister for the Rights of Women, and with Ms. Antonia Lajou Crisanti, President of the Greek National Council for Equality (7 March 1985).

(7) First national television broadcast - RAI channel 2 (duration: four hours) - on the work of the National Commission and on events held in Italy and throughout the world in favour of women (8 March 1985).

(8) Presentation of the "Women's Code" to the Prime Minister during a press conference; this Code is the first official compilation of all the legislative and other provisions force in in Italy, both national and international, that are of particular concern to women (14 March 1985).

(9) Seminar on "Parental Leave and Day-Nurseries", organized in co-operation with the European Economic Community and the Equal Opportunity Committee of the Ministry of Labour (26 and 27 March 1985).

(10) Presentation to the Prime Minister, during a press conference, of the campaign "votes for women". This campaign was carried out by the National Commission in order to increase the presence of women in the elective assemblies (administrative and regional elections). This was the first "positive action" measure carried out in Italy (26 April 1985).

(11) Seminar entitled "Equality between the sexes in language, in the mass media and in education" (25, 26 and 27 June 1985).

(12) Presentation of works entitled "120 years of progress towards equality", "Italian women in figures" and "The female image" (25 June 1985).

(13) Presentation to the press of the medal struck by the State Mint for the National Commission on the occasion of the Nairobi World Conference (9 July 1985).

(14) Meetings with Ms. Anita Gradin, Swedish Minister of Social Relations, and with Ms. Carlotta Bustela, Directress of Spain's Women's Institute, to consult on action to implement the final document of the Nairobi World Conference (9 October 1985).

(15) Interview with a delegation of former police officers with a view to the elimination of some of the remaining discrimination in police regulations (9 October 1985).

(16) Presentation to the press of the full translation into Italian of "The Nairobi forward-looking strategies for the advancement of women and concrete measures to overcome the obstacles in their way up to the year 2000; goals and objectives of the United Nations Decade for Women: Equality, Development and Peace"; full translation of the final document of the Nairobi World Conference, which took place from 15 to 26 July 1985 (26 November 1985).

(17) Presentation to the Prime Minister, at a press conference, of the findings of the second part of the study "Women and new technologies" (Milan, 13 January 1986).

(18) Meetings with representatives of women's associations and with trade union and party officials with a view to formulation of the National Plan of Action called for in the Nairobi final document (23 January and 12 February 1986).

(19) Meeting with a delegation from the international women's organizations of Portugal and Spain (4 February 1986).

(20) Presentation to the Prime Minister, at a press conference, of the National Plan of Action prepared by the National Commission and the report prepared by the Committee for Equality attached to the Ministry of Labour (8 March 1986).

(21) Investiture with the Order of Merit of the Republic of women who have specially distinguished themselves in the arts and in their professions, by the Under-Secretary of State, on the recommendation of the Commission (16 July 1986).

(22) Presentation, by the Minister for the Civil Service and by the President of the Commission, of the new Monitoring Board for Integrated Public Employment, established on the recommendation of the National Commission, with the aid of 19 experts, to make proposals for and to prepare positive action to improve the management of human resources in the civil service, with particular reference to female personnel (6 August 1986).

(23) Organization by the National Commission, in co-operation with the Rome Opera House, of "Women on the Rostrum", a programme of concerts conducted by women (October 1986 - January 1987).

(24) Meeting with representatives of housewives associations (16 October 1986).

(25) Approval by the Council of Ministers of the National Plan of Action drawn up by the Commission for the elimination of remaining discrimination, in implementation of the Nairobi Strategies (12 December 1986).

(26) Congress entitled "Thirty years of women's progress in Europe - 1957-1987" (8 March 1987).

(27) Second investiture of women with decorations by the Under-Secretary of State, on the recommendation of the National Commission (12 March 1987).

(28) Congress entitled "Women and Data-Processing - Positive Action in the Prisons" on the results of computerization of the compilations "Italian Women Authors" and "Women's Periodicals in Italy" commissioned from a joint co-operative of female prisoners and other women (18 March 1987).

(29) Discussion meeting on the subject "Equality of Men and Women: Social Change and Linguistic Awareness", on the occasion of the publication of the study "Sexism in the Italian Language" (Rome, Institute for Legislative Documentation and Research, 14 April 1987).

(30) Seminar on the subject "Italian Women Administrators: Elected Women in the Regions, Provinces and Communes" (Rome, 2 and 3 May 1987).

(31) Presentation to the press of the information campaign in support of women candidates in the 1989 European elections. The campaign, entitled "ONLY HALF A EUROPE WITHOUT WOMEN IN THE PARLIAMENT" was conducted in the national press - both daily newspapers and periodicals - on posters in all the provincial capitals, and on television (with spots on the three RAI channels and on the larger national and local networks) (18 April 1989).

(32) Meeting with the women co-ordinators of the national trade union federations - CGIL, CISL and UIL - for an exchange of information with the aim of promoting a constructive dialogue on responsibilities and on present and future roles (18 April 1989).

(33) Interview with women trade union leaders from several Latin American countries (Argentina, Brazil, Bolivia, Chile, Paraguay and Uruguay) who wished to study the problems of women in Italy, compared with the situation elsewhere, with reference to action taken and the results achieved at the political, social and trade union levels (19 April 1989).

The items produced by the Commission, all of which were published by the State Printing House or issued by the Mint in Rome, are:

- Code for Women - Italian Norms and International Instruments, also indexed in French and English;

- Posters and spot announcements for the campaign "Vote for Women", April 1985;

- 120 Years of Progress towards Equality, June 1985, also in English;

- Italian Women in Figures, June 1985, also in French and English;

- Illustrated pamphlet put out by the National Commission in French and English, June 1985;

- Official Medal of the National Commission, Rome, June 1985;

- Medal of the National Commission to celebrate the World Conference in Nairobi, June 1985;

- The Image of Women, July 1985;

- Future Action Strategies for the Advancement of Women and Practical Measures for Overcoming the Obstacles in their Way up to the Year 2000; aims and objectives of the United Nations Decade for Women: equality, development and peace, Nairobi World Conference, 15 and 26 July 1985, November 1985;

- Recommendations for non-sexist use of the Italian language, February 1986;

- A Positive Programme of Action, February 1986;

- Illustrated pamphlet put out by the National Commission, New Edition, February 1986;

- Male and female images in textbooks for elementary schools, March 1986;

- Publicity spots for the "Positive Action" campaign, February 1986;

- Italian Women Authors - an analytical catalogue of books of prose, poetry and essays: 1945-1985, April 1986;

- Women's periodicals in Italy - Catalogue 1861-1985, April 1986;

- Women and Technology, October 1986;

- Illustrated pamphlet put out by the National Commission in Italian, French, English, Spanish and Portuguese, New Edition, November 1986;

- Sexism in the Italian Language, January 1987;

- Survey of women elected in the regions, provinces and communes, April 1987;

- A video-film on the history and activities of the National Commission, April 1987;

- Illustrated pamphlet put out by the National Commission, New Edition, May 1987;

- National Plan of Action, May 1987;

- Women and Law - Two Centuries of Legislation: 1796-1986, June 1988.

* * * * *

The most important project carried out by the Commission was certainly the identification and presentation in the "National Plan of Action" of the various measures needed in order to eliminate the remaining forms of discrimination between the sexes, to eradicate their causes, and to ensure special forms of advancement and protection for women. The Plan has six chapters:

Information and training

Women and politics

Equality in the Constitution and in the laws

Women and health

Women and new technology

Women and international relations.

A basic outline of the Plan was approved by the Council of Ministers on 12 December 1986.

In view of the importance of this project, both in describing the present situation of women in Italy, both in law and in practice, and in identifying the steps to be taken, it was deemed useful to annex the full text to this report.

Article 4

Temporary measures and protection of maternity

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

4.1 Temporary measures

The principle embodied in article 4, paragraph 1, that temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination, has also been adopted in the Italian system.

Specific provisions of significance are contained in numerous laws, among which the following may be mentioned:

(a) Law No. 675/77 on adjustment of industry;

(b) Law No. 863/84 which, in article 2, paragraph 4 bis, defines solidarity contracts and provides that "recruitment by an employer under collective contracts on the basis of individual application shall not lead to a reduction in the ratio of female to male workers - or the reverse if the latter are fewer - in production units involved in the work schedule, unless there is a lack, confirmed by the employment committee, of female or male labour, possessing the qualifications for which recruitment on the basis of individual application is planned";

(c) Law No. 45 of 28 February 1986 (emergency measures for the promotion and development of entrepreneurial activity by young people in the South of Italy), which provides that, in evaluating projects, priority should be given to enterprises with an essentially female composition;

(d) Law No. 113 of 11 April 1986 (emergency plan for employment of young persons), which specifies (article 5 (c)) that in the selection of projects, priority should be given to enterprises which plan to recruit female labour for activities where women are under-represented;

(e) Law No. 56 of 28 February 1987 (regulating the organization of the labour market) further defines the responsibilities of the Adviser on Equality already indicated in articles 4 and 5 of Law No. 863/84, and provides for measures to promote the employment of women under agreements between enterprises and regional and district employment committees (article 17);

(f) Law No. 448 of 29 February 1988 concerning the "taxation of social contributions" provides for appropriate tax arrangements benefiting enterprises which take account of the women employed and which, while reducing labour costs, guarantee continued competitivity in the market and make it easier not to reduce employment levels.

There has been extensive discussion in Italy of the question of temporary measures and of the need to avoid creating, through regulatory action, systems or mechanisms that are permanent and therefore of a discriminatory nature, and as such also prohibited by the Convention.

Among the most significant debates were the seminar organized by the Italian Institute for Social Medicine on the subject "equality between men and women workers and protection of health" in January 1982 (see attachments); the national conferences on employment of women organized by various Ministers of Labour, the last of which, held in 1986, confirmed the contextual centrality of the question of positive action and review of protection that is no longer justified. Discussion has also taken place within national and regional institutions.

A feature of the ministerial programme on employment policy for the decade 1985-1995 is the avoidance of setting up permanent systems and thus discriminating a contrario.

It is not by chance that although the programme advocates flexibility within the policies, it recognizes the fact that "specific encouragement and positive action should apply rather than too many regulatory protection systems ...".

In certain cases, flexible solutions have been adopted in establishing special temporary measures. For example, article 5 of Law No. 903/77 provides that: "In manufacturing enterprises and even in cottage industries, women shall not be required to work between midnight and 6 a.m. ...".

The above-mentioned prohibition can be variously regulated or eliminated by collective negotiation, even at the enterprise level, according to the particular requirements of production, account being taken of the working environment and the organization of the work. No derogation from the prohibition referred to in the preceding paragraph is allowed in the case of women from the commencement of their pregnancy until their child has completed its seventh month.

In the Parliamentary debate, emphasis was, of course, placed on the temporary nature of these as well as of other solutions, and the above-mentioned law requires the annual preparation of a Government report to the Parliament on the status of implementation of the statutory provisions.

4.2 Measures for the protection of maternity

The non-discriminatory nature of the special measures to protect maternity is a principle adopted in numerous international instruments to which Italy is a party.

EEC directive 76/207 on implementation of the principle of equal treatment for men and women with regard to access to employment, training and career development, as well as working conditions, provides in article 3: "This directive shall not prejudice any provisions relating to protection of women, especially as concerns pregnancy and maternity".

Even under the most recent Community policies on the review of protection, the legislation pertaining to working mothers is envisaged as a necessary derogation.

Furthermore, Italy, which has ratified the ILO conventions on this subject and has approved the European Social Charter, now has national legislation in conformity with the principle set forth in the convention.

The fundamental law dealing with this subject is Law No. 1204 of 30 December 1971 "Protection of Working Mothers", modifying the previous Law No. 860 of 26 August 1950. "Physical and Economic Protection of Working Mothers", which also provided ample forms of safeguards.

Law No. 1204 applies both to the public and to the private sector; it prohibits dismissal during the mandatory period of absence from work until the child has completed its first year and it indicates the activities to which women may not be assigned when pregnant or during the time immediately after childbirth. The mandatory period of absence from work for all working women includes the two months preceding childbirth and the three months following it; during this period women are entitled to an allowance equal to 80 per cent of their remuneration.

More recently, in its Judgement No. 1 of 14 January 1987, the Constitutional Court specified that in special cases such as the death or serious illness of the working mother, the right to absence from work should be transferred directly to the working father.

In the event of complications during pregnancy or in the case of special working or environmental conditions, the period of absence from work may be advanced. Such periods of absence are in any case taken into account, for all purposes, in determining seniority.

In addition to the period of mandatory absence from work, a working woman may take six months of optional leave during the first year of the life of her child, during which time she receives 30 per cent of her remuneration. Later, Law No. 903/77 recognized this right in the case of the father, as an alternative to the working mother: the scope of this innovation, essential not only in the interest of the child but also making it possible for the father to shoulder his family responsibilities, is clear and represents a later, fundamental stage in the legislation on equality.

Law No. 1204/71 further provides that entitlement to leave or absence for any other reason may not be cumulated with the mandatory and optional absence from work; that provision of health care at childbirth applies to all working women, and that daily rest periods for the purpose of breast-feeding must be granted.

The remuneration during such periods of absence is payable in the form of a lump sum in the case of independent or self-employed working women (farmers, artisans, traders).

For the benefit of such persons, regional laws and particularly Law No. 546 of 29 December 1987 concerning maternity benefits for independent women workers introduced additional regulations and brought their remuneration for maternity absence into line with that payable to female wage-earners (80 per cent of the remuneration).

The detailed measures for implementation of Law No. 1204/71 are then set forth in the implementing decree of December 1976, and in numerous ministerial circulars. Circular No. 134382 of 26 January 1982 issued by the National Social Security Institute deals with the method of payment of the financial benefit.

In conclusion, Italy's legislation on the subject, briefly outlined above, is aimed simultaneously at protecting the health of women and children and at ensuring that the provisions governing the granting of leave of absence are not discriminatory.

It should also be noted that almost all the national collective labour agreements contain provisions that are more favourable for male workers, a circumstance expressly provided for by Law No. 1204. Some of these agreements deal only with financial questions (engineering and metallurgical industries) while others (trade, services, chemicals industry) are also concerned with regulatory treatment.

Remuneration payable during the mandatory pre-natal and post-natal leave is generally calculated (starting from the statutory 80 per cent) on the basis of the agreements, up to a maximum of 100 per cent of the wage.

It should be noted that the present rules concerning the protection of maternity are not limited only to the contract of employment, but also include a number of regulatory and politico-social measures for making the protection effective. Reference is made, in this connection, to the articles which follow.

It is worth briefly mentioning, however, the special consideration given under the Penal Code to women who are pregnant. Provision is made for the commutation of sentences of imprisonment to house arrest in the case of pregnant women or those who are breast-feeding, whether the penalty be optional or mandatory.

Article 5

Action by the State to modify cultural patterns that discriminate against women

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on the stereotyped roles of men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

In Italy the theme of equality, and particularly the need to modify the stereotypes and cultural patterns which discriminate against women, is very evident in the social, cultural and political fields.

The starting point of women's demands was an increased awareness of the profound injustice inherent in the traditional separation of the roles which - especially following the advent of industrialization - specifically assigned the private sphere (the role of wife, mother, housewife, etc.) to women and the social and public sphere to men.

This enforced exclusion from participation and from a direct and personal role in the making of history is recognized as "discrimination", that leads on to all the other types of discrimination, whether major or minor, explicit or hidden, which to a greater or lesser extent constitute the reality of life for all women, irrespective of social class, level of education or economic status.

The new value, the central guiding value henceforth stressed, is the one traditionally known as "equality" between men and women, which corresponds, in its negative form, to a rejection of the subordinate position of women.

With the passing years this equality has gradually assumed a broader and more universal significance.

A strong associational movement and the presence of women in political parties and trade unions and in their activities, even when impeded by male cultural resistance, have contributed to ensuring that the values underlying much legislative action and many decisions in the fields of labour, social security and the family are, in their different ways, in harmony with the development of social awareness and partial responses to a central problem that is more and more clearly perceived not only by women, but also by the conscience of society.

This problem is the need to modify a sexist culture which discriminates against women both on the theoretical level and in practical everyday life.

Article 3 of the Italian Constitution and successive legislative measures have helped positively to assert the equality of men and women and their equal status.

The consideration which serves as a starting point is the fact that much of the prejudice against women is transmitted, perpetuated and put into practice through language. Indeed, language is an important element of the existing social structure. Through it, and through its symbols and its screening effect, we assimilate many of the social rules and orientations that underly the choices affecting the lives of individuals.

The linguistic forms that carry anti-female ideology and prejudice are so deeply rooted in our "sensory structure" that they are difficult to recognize.

For these reasons, the National Commission has promoted research aimed at revealing the sexist forms that are to be found in the Italian language, 1/ i.e. the linguistic elements, at the grammatical and structural level, which are dissymetric and discriminatory with regard to women, as shown by the language used in newspapers and periodicals. The object was to encourage a change in the use of language, so as to portray women in a fashion coming closer to reality, with no effacement, distortion or diminution.

Several approaches that were adopted by the National Plan of Action resulted from this research:

(1) Establishment of an ad hoc research and promotion committee, attached to the Directorate-General for Information, Publishing and Literary, Artistic and Scientific Property of the Office of the Prime Minister, with the following functions:

(a) To identify "sexist" linguistic forms, i.e. those which discriminate against a particular sex, and to note whether they persist or are changing;

(b) To disseminate through the press and the broadcasting media information designed to increase awareness of the social and political importance of the linguistic phenemenon and of its practical effects on behaviour;

(c) To advise on and propose non-sexist alternatives to the forms used in the mass media and in schools, while continuing the work begun by the agency ANSA and by several daily newspapers (e.g. Il Messaggero in Rome);

(2) Development of co-ordinated action by various ministries concerned through publication of circulars and guides aimed at eliminating sexually discriminating linguistic forms in public documents, in the drafting of legal texts, in bills, regulations, printed forms, certificates of civil status (the expression "head of family" is still used in registrar's certificates, despite the reform of family law) and others, and in all government documents.

(3) Co-ordination at the international level, especially among countries members of EEC, with a view to implementation of a common linguistic policy which does not discriminate against sex.

1/ National Commission for the Achievement of Equality between Men and Women. Alma Sabatini, Sexism in the Italian Language. Office of the Prime Minister, Directorate-General for Information and Publishing, Rome, 1987.

At the second level there is the problem of the image of women in the mass media.

This problem has been tackled in a study entitled "The Image of Women". 2/

This study considered in particular the image of women that predominates in the various mass media, analysed simultaneously over a given period. The sample was a very broad one comprising 20 daily newspapers, women's periodicals and weeklies, televised newscasts, cultural television programmes and advertising, both in print and on radio and television.

The hypothesis, confirmed by the study, was that the female images presented in the various communication media were inextricably bound by a single logic which reflected values, approaches and choices that were different from each other but complementary.

It was therefore wrong to regard as fortuitous the absence, or in any event the under-representation, of women in the political and cultural sectors, and the enormouse presence of women in advertising and - this is no coincidence - in the women's periodicals just mentioned. This presence or absence is in fact a complementary form of a cultural reality which, through the mass media - and especially the mass media strongly geared to males - continues to present - even though in a form that appears updated in terms of taste - stereotyped images of women, which in any event represents an area where there is strong resistance to acceptance of the new criteria and new values, as regards not only women, but society as a whole, for which political women are now calling.

There are therefore three forms of discrimination:

(a) The persistence in the mass media of explicit and implicit forms of culture which give rise to and transmit messages based on male and female sexual stereotypes;

(b) Use of the female body for advertising purposes, often with the use of innuendo, resulting in the preservation of the female image as an object of sale or purchase, possession or enjoyment;

(c) Lack of space for provision of information on questions of direct or indirect interest to women.

Accordingly, the following points have been recognized by the National Plan of Action.

Italy's legislation may be considered satisfactory from the standpoint of ensuring equality. The problem which has become more and more clearly apparent relates to the application of the legislation, the general difficulty of which can be attributed to the persistence of a predominantly male-type culture which tends to interpret legislation on equality in a limited, partial amd distorted manner. This occurs already at the institutional level, but it is particularly marked at the level of everyday behaviour.

2/ National Commission for the Achievement of Equality between Men and Women. Gioia di Cristofaro Longo, "The Image of Women", Office of the Prime Minister, Directorate-General for Information and Publishing, Rome, 1985.

The strong role played by women in Italy, which is variously reflected in the activities of movements, associations and parties, has nevertheless also given rise to a new awareness that is well-rooted and widespread among women but that exists also among men, although in their case it is still a matter of some controversy.

This new awareness is conducive, first, to modification of sexist cultural prejudices and, secondly and much more important, to reaffirmation of a culture of equality or, as it may now perhaps more correctly be termed, a culture of equivalence that safeguards, but in a positive fashion, the issue of difference between the sexes.

For the State, therefore, the goal has been and still is to transform diffuse opinions and attitudes into reality, in accordance with guidelines that are also being gradually developed at the international level.

The cultural dimension of the problem has been acknowledged by the Commission for the Achievement of Equality between Men and Women, attached to the Office of the Prime Minister, which has undertaken to deal with this issue in its various manifestations.

With further reference to the question of communication and the mass media, it is necessary to mention work that has been carried out on two levels and has given rise to various proposals for action by the Government. The first of these relates to sexism in the use of the Italian language.

(1) The establishment at the headquarters of the Directorate-General for Information, Publishing and Literary, Artistic and Scientific Property, of a Monitoring Board to be responsible for identifying qualitative and quantitative discrimination against women through the mass media;

(2) The preparation, as part of the RAI network programming, of special broadcasts and items designed to inform women concerning the most recent advances in the area of legislation and research, and to open up the communication media to women's associations and movements;

(3) Professional enhancement of women working in the social communication media, especially in RAI;

(4) The introduction in RAI of a "positive action" programme to restore the balance between men and women at all levels in that organization;

(5) The encouragement of cultural projects (seminars, information weeks) involving the participation of all the communication media (press, radio and television) for dialogue and reflection on ways of presenting information in a positive manner so that it does not reproduce cultural disparities;

(6) The holding of a competition with prizes for articles, films, documentaries or radio or television reportages that present a non-stereotyped image of women;

(7) The preparation, under the new publishing law, of contributions for the non-profit-making newspapers;

(8) The submission of such contributions in priority to publications of women's associations and of the women's movement and for advertising by State agencies and public bodies;

(9) The establishment under the Directorate-General for Information, Publishing and Literary, Artistic and Scientific Property, in collaboration with the National Commission for the Achievement of Equality between Men and Women, attached to the Office of the Prime Minister, of a press agency specializing in information for women and on initiatives by women in associations, parties and trade unions;

(10) The tabling of a parliamentary bill with the aim of:

(a) Preventing:

- Use of the female body for the sale of merchandise by presenting the image of woman as an object;

- Representation of women only in the "role" of housewife;

- All reference to an assumed mental, physical or intellectual inferiority of women;

(b) Establishing:

- Prizes to encourage advertising within enterprises that promotes the culture of equal opportunity.

Article 6

Suppression of all forms of traffic in women and exploitation of prostitution of women

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Law No. 75 of 20 February 1958 abolished the system of control of prostitution, prohibiting this activity except when practised in brothels.

This law, which introduced profound innovations in relation to the customary values of the period, was also inspired by the need to adapt Italy's legislation to the United Nations Convention of 1950, that was to be incorporated in our legal system in 1966.

The basic purpose of the new regulations was to prevent and to punish, by means of very severe criminal penalties, all forms of exploitation of and traffic in women and of organized prostitution.

The owner, manager, administrator or lessee of a house of prostitution is punishable by imprisonment for two to six years or a fine of from 500,000 to 20 million lire.

The same penalty is imposed on the owner or manager of public premises for which a licence is required who tolerates within such premises the presence of persons engaging in prostitution.

This is an atypical form of connivance in prostitution inasmuch as it presupposes behaviour by the person concerned which constitutes commission by omission. In these cases the tolerance must be habitual, since an isolated incident occurring only sporadically does not constitute grounds for criminal action.

The same severe penalties are imposed on anyone who recruits, assists or exploits a person engaging in prostitution or who drives such a person to engage in this activity or induces a person to enter the territory of another State or facilitates their departure from another State for the same purpose.

"Traffic" consists in participation in the activity of organizations engaging in the recruitment of persons for prostitution.

The practice of prostitution is punishable when it consists in inviting another person, in an offensive or persistent manner, to engage in licentious activity. The law provides for this offence a penalty of eight days of custody or a small fine.

The repressive measures therefore consist in the reporting of cases of criminal importance, which may be followed by a decision by the competent judicial authority to impose a criminal penalty.

As far as prevention is concerned, the police authorities apply in respect of those who, because of their behaviour, are deemed to be engaged in promoting or exploiting prostitution or traffic in women, the administrative measures

established by Law No. 1423 of 27 December 1956, such as a summons to change an existing way of life, also accompanied by suspension of the driving licence (a motor vehicle often constituting a useful means of carrying out the activity constituting the offence), compulsory repatriation with prescribed routing to the commune of residence, and application of special measures of supervision.

At the operational level, efforts are made by the police forces to prosecute persons engaging in such criminal behaviour; dissuasive measures are taken by specially trained personnel and frequent controls are carried out in public establishments and places, in dance halls, in railway stations and, generally, in all places which tend to become habitual meeting places for prostitution.

An examination of the statistical data will give the impression that institutional measures for suppression taken by the judicial police and the courts have had only limited success in containing the problem. The number of offences and of persons accused, where there is comparability between the two categories, having regard to the different parameters used, nevertheless shows an undeniable downward trend. Likewise, the number of persons convicted has clearly shown a substantial decline over the period 1983-1987, as has the number of minors involved in such criminal offences.

Law No. 75/58 explicitly imposed on the police and the health authorities and on all other administrative authorities the obligation not to make any record in any form, whether directly or indirectly, of persons engaging in prostitution, a practice which is itself no longer deemed to constitute an offence.

Article 7

Participation in public and political life

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Voting rights were extended to women by Decree of the Lieutenant General of the Kingdom No. 23 of 1 February 1945.

Title IV of the Italian Constitution (which entered into force in 1948) also established the principle of equality of the two sexes as regards eligibility for public office and for elective positions (article 51).

7.1 Active and passive eligibility

The constitutional principle of equality between men and women as regards the right to vote and to be elected has been fully applied since the entry into force of the Constitution. However, although the number of female electors exceeds that of male electors, the number of female candidates and of women elected has always constituted a clear minority, although their numbers are nevertheless tending to increase.

For example, in the 1976 national elections to the Chamber of Deputies, of the total of 37,683,956 electors, women accounted for 19,532,854, or 51 per cent. In the elections to the Senate of the Republic, the corresponding figures were 32,596,444 and 17,025,616, or 52.3 per cent.

However, the number of women candidates for Parliament, although higher than at previous elections, was still very low. The women candidates for seats in the Chamber of Deputies increased from 772 to 871 and for seats in the Senate from 72 to 102. Fifty-four women were elected to the Chamber of Deputies and 11 to the Senate.

At the most recent elections, in June 1987, there was a significant increase in the number of women candidates. In the case of the Chamber of Deputies they accounted for 16.2 per cent (1,402 women out of 8,628 accepted candidates) while for the Senate they accounted for 7.7 per cent (176 out of 2,279). These women were not correspondingly successful in the election, however, only 71 being elected to the Chamber and 20 to the Senate.

Nevertheless the growth in the number of women in the elective assemblies, the Chamber and the Senate was such that their total more than doubled in 39 years.

In 1948, they constituted 4.7 per cent of the total of elected members whereas they currently constitute 10.6 per cent. Their annual average rate of increase was 2.21 per cent. This is a very positive result, having regard to the fact that women were at a disadvantage from the start. Nevertheless, considering that they form the majority of the population, or more than 50 per cent, a representation of scarcely more than 10 per cent in the Italian Parliament is still inadequate.

As already indicated, a considerable step forward was made in 1987 when the female members elected increased by 35 in number, an increase of 53 per cent which should be more equitably distributed among the political parties.

Greater participation of women in the Senate seems more difficult to achieve. They formed only 1.4 per cent of the total membership in 1948, with four seats, but only one seat in 1953 (0.4 per cent), 10 in 1968 (3.1 per cent), then 16 in 1983 (5 per cent) and 21 in 1987 (6.5 per cent).

Female participation in the Senate has shown variations which differ in certain respects from those which have taken place in the Chamber of Deputies and have generally been more negative for women.

The administrative elections reflect a similar trend. There are at present 9,895 women holding office at the local level out of a total of 150,381 (approximately 5 per cent), while there are 73 female regional administrators out of a total of 1,057 (approximately 7 per cent) and 167 female provincial administrators out of a total of 2,826 (approximately 6 per cent).

While women are steadily increasing their presence in formal employment and in society in general, there is no corresponding trend for their participation in the parties, the trade unions and other decision-making bodies, i.e. the power-holding institutions and structures.

Furthermore there is very considerable absenteeism of women even where voting is concerned, which is the primary and basic instrument for participation and presence.

As a result, therefore, there is still no consistent substantive relationship, even if only fragmentary or occasional, between women and politics.

The path towards a "presence" of women in this field seems largely to fade out and end when it comes up against the institutional and political situation. This contrasts with the more continuing relationship with society in general that women have succeeded in establishing.

The basic reason for the weak presence of women in the public institutions, a presence so weak as often to appear only symbolic, is usually said to be the general disinterest of women themselves in active politics and in the functioning of the institutions, although it is fully recognized that women's new consciousness of their rights now enables them to face in a more clear-sighted manner than in the past the major issues confronting women and therefore all citizens in Europe and throughout the world.

The long period of militancy by women in the social field, in the context of the building of democracy, has now provided them with the necessary basic requirements, both in knowledge and in practice, for their participation.

Recent surveys have shown that in the case of women a relationship with the world of politics constitutes both the nexus of a dialectic which can be neither avoided nor escaped and the platform on which reform of society must be based.

A collective conscience has clearly developed whose strong points lie in work skills acquired through training and a collective consciousness which is driving women to positions of much greater responsibility in which are identified and assembled the practical and real needs, not only of women, but of all persons - men and women, families and society as a whole - in other words, of their own democratic country.

As far as measures to promote an effective presence of women are concerned, it would appear that the main strategy adopted has been the promotion and the increasingly careful development of a "collective conscience" among women. This will be seen to have been the work of the women's associations which function in a prepolitical field that really constitutes "politics" in the etymological sense of the word, therefore, properly, as social intermediaries ensuring liaison and mediation between the basic social fabric and the public institutions.

However, measures to promote a new culture accepting the presence of women in institutions must also involve a new method of conducting politics within the political forces themselves, of managing the institutions and of organizing their activities. The objective must be to achieve a full democracy, a prerequisite for which is the provision of a space in which each element of society can operate.

The problem is therefore a problem of culture, not only technical and quantitative, but primarily involving values, outlook and the idea of an egalitarian society which can find an effective convergence of forces for its realization if there is a shared belief in the need for women to make their own direct and specific contribution to the development, not only of their own country, but also of the human community as a whole.

It must nevertheless be recognized that, thanks to the presence of a strong women's movement within the political parties and the trade unions, the participation of women in Italian politics has made a clear contribution to progress.

Summary statistical data on the participation of women in politics will be found in tables I to VII below.

TABLE I

CHAMBER OF DEPUTIES: CANDIDATES ELECTED IN THE TEN PARLIAMENTARY PERIODS, BY SEX

(absolute values and percentages by sex)

PARLIAMENTARY PERIOD YEAR	I 1948	II 1953	III 1958	IV 1963	V 1968	VI 1972	VII 1976	VIII 1979	IX 1983	X 1987	TOTAL
Total elected	574	590	596	630	630	630	630	630	630	630	6 170
No. of men elected	535	557	574	601	613	606	577	577	580	303	5 523
%	93.2	94.4	96.3	95.4	97.3	96.2	91.6	91.6	92.1	48.1	89.5
No. of women elected	39	33	22	29	17	24	53	53	50	80	400
%	6.8	5.6	3.7	4.6	2.7	3.8	8.4	8.4	7.9	12.7	6.5

TABLE II

SENATE OF THE REPUBLIC: CANDIDATES ELECTED IN THE TEN PARLIAMENTARY PERIODS, BY SEX

(absolute values and percentages by sex)

PARLIAMENTARY PERIOD YEAR	I 1948	II 1953	III 1958	IV 1963	V 1968	VI 1972	VII 1976	VIII 1979	IX 1983	X 1987	TOTAL
Total elected	342	243	249	321	322	322	322	322	323	324	3 090
No. of men elected	338	242	246	315	312	317	311	311	307	303	3 002
%	98.8	99.6	98.8	98.1	96.9	98.4	96.6	96.6	95.0	93.5	97.2
No. of women elected	4	1	3	6	10	5	11	11	16	21	88
%	1.2	1.4	1.2	1.9	3.1	1.6	3.4	3.4	5.0	6.5	2.8

TABLE III

ELECTION OF THE CHAMBER OF DEPUTIES ON 14 JUNE 1987

Female candidatures accepted

PRINCIPAL PARTIES OR POLITICAL GROUPS	TOTAL CANDIDATES	WOMEN	PERCENTAGE OF TOTAL
D.C. (Christian Democrats)	626	77	12.3
P.C.I. (Italian Communist Party)	629	183	29.1
P.S.I. (Italian Socialist Party)	629	71	11.3
M.S.I. - D.N. (Italian Socialist Movement - National Right)	628	37	5.9
P.R.I. (Italian Republican Party)	629	63	10.0
P.S.D.I. (Italian Social Democratic Party)	628	37	5.9
P.L.I. (Italian Liberal Party)	629	53	8.2
P. Rad. (Radical Party)	628	179	28.5
Other parties	3 518	701	327.8
Candidatures accepted	8 628	1 401	16.2

TABLE IV

ELECTION OF THE SENATE OF THE REPUBLIC ON 14 JUNE 1987

Female candidatures accepted

PRINCIPAL PARTIES OR POLITICAL GROUPS	TOTAL CANDIDATES	WOMEN	PERCENTAGE OF TOTAL
D.C. (Christian Democrats)	225	9	4.0
P.C.I. (Italian Communist Party)	216	21	9.7
P.S.I. (Italian Socialist Party)	164	10	6.1
M.S.I. - D.N. (Italian Socialist Movement - National Right)	226	6	2.7
P.R.I. (Italian Republican Party)	209	7	3.3
P.S.D.I. (Italian Social Democratic Party)	161	4	2.5
P.L.I. (Italian Liberal Party)	204	8	3.9
Dem. Prol. (Proletarian Democracy)	185	28	15.1
P. Rad. (Radical Party)	106	21	19.8
Other parties	428	62	109.3
Candidatures accepted	2 279	176	7.7

TABLE V

COMMUNAL OFFICIALS, BY SEX,
GEOGRAPHICAL DISTRIBUTION
AND POLITICAL OFFICE

COMMUNES	TOTAL	MEN	WOMEN
COMMUNES	151 292	141 518	9 774
Percentage of communes	100.00	93.54	6.46
of which:			
MAYOR			202
FIRST DEPUTY			131
DEPUTY			2 078
ADVISER			7 359
NORTH	81 714	75 165	6 549
Percentage of North	100.00	91.99	8.01
of which:			
MAYOR			144
FIRST DEPUTY			85
DEPUTY			1 408
ADVISER			4 912
CENTRE	19 963	18 603	1 360
Percentage of Centre	100.00	93.19	6.81
of which:			
MAYOR			24
FIRST DEPUTY			12
DEPUTY			286
ADVISER			1 038
SOUTH	49 615	47 750	1 865
Percentage of South	100.00	96.24	3.76
of which:			
MAYOR			30
FIRST DEPUTY			32
DEPUTY			387
ADVISER			1 412

TABLE VI

PROVINCIAL OFFICIALS, BY SEX,
GEOGRAPHICAL DISTRIBUTION
AND POLITICAL OFFICE

PROVINCES	TOTAL	MEN	WOMEN
PROVINCES	2 851	2 697	154
Percentage of provinces	100.00	94.60	5.40
of which:			
COMMISSION CHAIRMAN	95	94	1
COUNCIL CHAIRMAN	95	94	1
DEPUTY			29
ADVISER			148
NORTH			79
Percentage of North			
of which:			
COMMISSION CHAIRMAN			1
COUNCIL CHAIRMAN			1
DEPUTY			14
ADVISER			63
CENTRE			45
Percentage of Centre			
of which:			
COMMISSION CHAIRMAN			-
COUNCIL CHAIRMAN			-
DEPUTY			8
ADVISER			37
SOUTH			30
Percentage of South			
of which:			
COMMISSION CHAIRMAN			-
COUNCIL CHAIRMAN			-
DEPUTY			7
ADVISER			23

TABLE VII

REGIONAL OFFICIALS, BY SEX,
GEOGRAPHICAL DISTRIBUTION
AND POLITICAL OFFICE

REGIONS	TOTAL	MEN	WOMEN
TOTAL	1 058	986	72
Percentage of total	100.00	93.19	6.81
of which:			
COMMISSION VICE-CHAIRMAN			1
COUNCIL VICE-CHAIRMAN			1
COUNCIL SECRETARY			9
DEPUTY			7
ADVISER			54
NORTH	456	416	40
Percentage of North	100.00	91.23	8.77
of which:			
COMMISSION VICE-CHAIRMAN			1
COUNCIL VICE-CHAIRMAN			1
COUNCIL SECRETARY			5
DEPUTY			4
ADVISER			29
CENTRE	180	164	16
Percentage of Centre	100.00	91.11	8.89
of which:			
COMMISSION VICE-CHAIRMAN			-
COUNCIL VICE-CHAIRMAN			-
COUNCIL SECRETARY			2
DEPUTY			-
ADVISER			14
SOUTH	422	406	16
Percentage of South	100.00	96.21	3.79
of which:			
COMMISSION VICE-CHAIRMAN			-
COUNCIL VICE-CHAIRMAN			-
COUNCIL SECRETARY			2
DEPUTY			3
ADVISER			11

7.2 Employment in public administrations

By its Judgement No. 33 of 18 May 1960, the Constitutional Court declared unconstitutional - under article 51, paragraph 1, of the Constitution ("All citizens, of either sex, are eligible for public office and for elective positions on conditions of equality as provided by law") - any law or regulation generally precluding the access of women to any public employment involving judicial powers or the exercise of public rights or powers or pertaining to the defence of the State (article 7 of Law No. 1176 of 17 July 1919).

On the basis of this principle approved by the Constitutional Court and confirmed by many other decisions of that Court and of the Council of State, Law No. 66 of 9 February 1963 provided that women could "have access to all posts at all levels, without any restrictions as regards their functions or career development, in accordance with the principles laid down by law", thus eliminating one of the obstacles to effective achievement of the equality provided for in the Constitution.

On the basis of these new principles women gained access even to careers that had traditionally been reserved for men, such as service in police forces.

The recent Law No. 121 of 1981 on the organization of the police provides in article 25 that the State police shall perform its institutional role with both male and female personnel, applying the principle of equality in regard to grading, duties, pay and career development.

There are at present 1,377 women serving as junior and senior police officers in Italy's national police force. They accounted for 2.27 per cent of the total of 60,502 officers in the service in late 1987. Of the total of 125 doctors serving in the medical units of the national police force, 15, or 12 per cent, are women. However there is a much higher proportion of women serving as State police inspectors or officials.

In this connection, although it is generally true that women hold only a limited number of senior posts having regard to their total number, especially in the civil service, in the Ministry of the Interior's recent competitive examinations for posts at the director level and in the police forces, the number of successful women candidates considerably exceeded that of the successful male candidates (see tables VIII and IX which show the most significant figures on the participation of women in career posts in the Ministry of the Interior and the State police).

The first appointments of women as judges were made under the Ministerial Decree of 5 April 1965. At present, of a total of 7,353 members of the bench (of whom 7,009 are serving as judges), 1,243 are women. The largest number of women are obviously serving at the junior levels, not only owing to the long period it takes to climb the career ladder, but also, in particular, owing to the fact that the number of women taking the examination for junior positions in the judiciary has gradually increased over time and has recently reached approximately 50 per cent of the total (see table IX below).

Of the various courts, the Assize Court and the Assize Court of Appeal hear, in first and in second instance, respectively, cases involving the more serious offences. They are composed of two members of the magistrature (one of whom serves as presiding judge) plus six lay judges who constitute, for all purposes, a single judicial body.

In this connection, Law No. 287 of 10 April 1951 on the reorganization of the Assize Court procedure provided that, of the six lay judges, "at least three" should be men. In other words, men should form the majority (at that time women were not yet allowed, inter alia, to become members of the bench). However, Decree Law No. 31 of 14 February 1978, transformed into law by Law No. 74 of 24 March 1978, eliminated this discrimination by introducing a provision requiring the Assize Courts to be composed not only of representatives of the gowned judiciary, but also of "six lay judges".

In table IX will be found numerical data concerning the presence of women in the magistrature.

TABLE VIII

MINISTRY OF THE INTERIOR

CIVIL ADMINISTRATION

DISTRIBUTION OF PERSONNEL BY AGE GROUPS

General situation

Years	Career positions					
	Directors			Cadres		
	Number		%	Number		%
	Men	Women		Men	Women	
From 15 to 20						
From 21 to 25					1	0.1
From 26 to 30				115	119	20.6
From 31 to 35				182	224	35.8
From 36 to 40	41	5	4.9	137	91	20.1
From 41 to 45	101	22	13.0	50	56	9.3
From 46 to 50	173	37	22.3	57	24	7.1
From 51 to 55	137	15	16.1	28	9	3.3
From 56 to 60	215	8	23.6	18	2	1.8
From 61 to 65	183	6	20.0	18	2	1.8
From 66 to 70						
From 71 to 75						
From 76 to 99					1	0.1
	850	93	100	605	529	100
TOTALS	943			1 134		

TABLE IX

MEMBERS OF THE MAGISTRATURE
ON 5 FEBRUARY 1988

Function	Number		Serving in offices of the judiciary		Senior posts in other administrations		Ministry and C.S.M.	
				of which women		of which women		of which women
First president of the Court of Cassation	1		1					
Public Prosecutor, Court of Cassation or equivalent (ex 2nd grade)	3		3					
Judge, Court of Cassation, holding senior director status or qualified as senior director (ex 3rd grade)	104		1 522		32		38	
Judge, Court of Cassation	517		1 212	27	20		33	1
Judge, Court of Appeal	6 378		1 281	142	9		33	3
Lower court judge			1 891	594	19	4	59	20
Junior judge	350	Serving	779	326	1	-	-	-
		Not serving	320	154	-	-	-	-
TOTAL	7 353		7 009	1 243	81	4	163	24

Article 8

Participation of women in representation of the State at the international level

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

The principle enunciated in article 8 is fully implemented in so far as representation of the Italian Government at the international level and participation in the work of international organizations are concerned and there are no derogations from this principle in either the laws or regulations.

In particular, where the diplomatic service is concerned, there are at present 50 women officers including one minister plenipotentiary, class II; 5 embassy counsellors; 25 legation counsellors; 4 legation first secretaries; 13 legation secretaries and 2 diplomatic volunteers out of a total of 836 women in the service.

With regard to the international organizations, the situation in the United Nations, UNESCO, OECD and FAO is considered here, since they are more representative and more up-to-date information is available concerning them. In particular, there are 47 Italian officials in the United Nations, from the P-1 to the D-2 levels. These include 11 women (1 P-5, 3 P-4s, 6 P-3s and 1 P-2). In OECD there are 5 women among the 24 Italian officials serving at levels from A-1 to A-7 (the women include 3 A-4s and 2 A-3s). In FAO there are 156 Italian officials at levels P-1 to D-2 and of these 29 are women (1 D-1, 1 P-5, 3 P-4s, 10 P-3s, 14 P-2s).

With regard to participation in the activities of international organizations operating in the field of social policy, attention is drawn to Italy's observance of the provisions of article 3 of the ILO Constitution and of those contained in the resolution on equality of opportunity and equal pay for women workers that was adopted at the sixtieth session of the International Labour Conference (Geneva, June 1975).

The more active participation of women in the delegations sent to many ILO meetings provides confirmation of the parallel presence of women workers, in increasing numbers and at a more highly skilled level, in both trade union organizations and administrations.

Furthermore, Italy has been participating, and is continuing to participate, through the activities of a number of women experts, in international conferences of the United Nations (on women, on minors, on the handicapped), in UNESCO, in the Council of Europe and in EEC.

The Italian representative on the Executive Board of UNESCO is a woman, Tina Anselmi, a member of parliament who is also a member of the United Nations Commission on the Status of Women.

Article 9

Questions of nationality

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

9.1 With regard to the principle enunciated in article 9, paragraph 1, which requires States to ensure for women the same rights as men with regard to nationality, it is pointed out that, under Law No. 555 of 13 June 1912, an Italian woman marrying a foreign national lost her nationality if the law of the country of the husband provided for her acquisition of the nationality of her husband jure matrimoni.

Law No. 151 of 19 May 1975 reforming the family law repealed this rule by allowing a woman who had lost her nationality through marriage to regain it by making a declaration to the competent authority, while article 143 ter of the Civil Code provided for retention of Italian nationality unless expressly waived by the woman in the case of marriages contracted subsequent to the entry into force of this law.

The earlier rules providing for the transmission of Italian nationality to a female alien marrying an Italian husband remained in force.

Law No. 123 of 21 April 1983 abolished the difference in treatment with regard to acquisition of nationality and provided, in the case of marriage, that the alien or stateless spouse of an Italian citizen could acquire Italian nationality after at least six months of residence in the territory of the Republic, or three years after the date of the marriage if it had not been dissolved, annulled or ceased to have civil effect and no legal separation had taken place.

Under these rules, the Italian system now provides that:

(a) Marriage with an alien has no automatic effect on the nationality of the spouse;

(b) A change in the nationality of the husband during marriage does not automatically mean a change in the nationality of the wife;

(c) Should a wife acquire a foreign nationality jure matrimoni, she does not lose her Italian nationality unless she expressly renounces it.

By its Judgement No. 71 of 26 February 1987, the Constitutional Court declared unconstitutional article 18 of the Preliminary Provisions of the Law which provided, in general, in the absence of a common national law, that the personal relations between the spouses were subject to the national law of the husband at the time when the marriage took place.

9.2 The Italian legislation with respect to equality between men and women regarding the nationality of their children has undergone a number of changes.

By its Judgement No. 30 of 9 February 1983, the Constitutional Court declared unconstitutional article 1 of Law No. 555 of 13 June 1912, which did not provide for transmission of nationality by birth jure sanguinis to the child of a mother of Italian nationality. Subsequently, article 5 of the above-mentioned law of 1983 provided that the minor child, even if adopted, of an Italian father or mother had Italian nationality and that, in the case of dual nationality, the child had to opt for a single nationality during the year after he attained his majority. This rule applies both to legitimate children and to recognized natural children.

By its Judgement of 10 December 1987, the Constitutional Court abrogated that part of article 20 of the provisions of the general law which, where there was a conflict between the laws of the two parents, gave preference to the law of the father. Article 20 provided that in relations between parents and children the law of the mother should apply only if she had legitimized the child or if she was recognized to be the mother.

Article 10

Equality in the field of education

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

The cultural situation of women in Italy must be seen in the context of the changes which have been taking place in Italian society. It may be worth recalling that in 1861, at the time of the unification of Italy, three out of four women were unable to read or write, and that in some southern regions more than 90 per cent of the female population was virtually blind and dumb as far as writing was concerned.

The major change which has taken place in the last 40 years is largely the result of the great expansion of schooling during this period.

Account must be taken of the fact that in 1951 there was still considerable illiteracy, particularly among females. One third of the total female population

was illiterate, compared with one fifth of the male population. Only 5.94 per cent of the total population had a junior secondary school diploma, only 3.25 per cent a senior secondary school diploma and 1.01 per cent a bachelor's degree.

The raising to 14 years, in 1962, of the age at which compulsory schooling ended was a major turning-point for the cultural situation of women.

It ensured for the young generations of women a basic cultural level that was not only higher and more widespread, but also more homogeneous, as compared with that of men and, in particular, it launched the process of full integration of women into the middle and higher levels of education and the professions.

In the secondary schools, the female enrolment rose from 613,130 in 1962 to 1,261,674 in 1986, the female enrolment rate thus increasing from 42.25 per cent to 47.73 per cent.

It may happen, however, in the case of both boys and girls, that, for family budget reasons or because of ignorance, young people in some regions of Italy are withdrawn from school and sent out to work at an early age. This happens despite the penalties provided for in Italy both for withdrawal from school before completion of compulsory schooling and for the sending of children out to work at too early an age.

In this connection reference must be made to the very substantial efforts being made by the State in two directions. On the one hand a bill is shortly to be introduced which will extend the period of compulsory schooling by two years. This will add to the period of schooling the first two years of the present senior secondary school.

Furthermore, the Ministry of Education set up, by an order of 19 July 1988, a working group on the phenomenon of "dropping out" from compulsory schooling, the objective being to take action in the areas of both prevention and recovery. This action includes the carrying out locally of new projects involving, in addition to the schools, various competent local institutions in areas where dropping out from school and irregular school attendance have, according to prior statistical studies, assumed substantial proportions.

While this action is intended to improve the school attendance of both boys and girls, it may be of considerable importance for the latter because, in cases of social and financial difficulties, it is generally the girls who are first withdrawn from school.

In connection with the senior secondary schools, attention is drawn to the fact that, despite many efforts to break down preconceived ideas, there is still a dual sexist division, both "vertical" and "horizontal". The "vertical" division consists in the fact that, after compulsory schooling, girls - much more frequently than boys - are sent out to work or else await work without receiving any training or acquiring any skills.

The "horizontal" division is confirmed by the fact that, while girls make up 49.9 per cent of the enrolment in the senior secondary schools (school year 1985/1986), certain types of school (not including the scientific high schools) have, and have maintained steadily in recent years, a very high rate of female enrolment. In the case of the scientific high schools the increase in female enrolment has been more gradual.

The highest female enrolment is in the teacher training schools (92.9 per cent) followed by the art high schools (69.3 per cent); the art institutes (66.0 per cent); the classical high schools (62.6 per cent) and the scientific high schools (including the language high schools) (50.3 per cent). Girls account for 48.1 per cent of the enrolment in vocational institutes and 39.9 per cent in the technical institutes.

As regards the trend in the award of secondary school certificates (baccalaureat), about half of those obtaining this qualification are girls and the largest proportion of the female recipients are those attending the institutes more frequently attended by girls.

In the universities, the enrolment of women has increased steadily in recent years. They accounted for 47.2 per cent of the total enrolment in the academic year 1986/1987 and women gravitate mainly towards the disciplines which they traditionally prefer, but their numbers are increasing also in the case of other subjects which they did not often study in the past.

During the academic year 1986/1987 the proportion of female students was as follows: arts 80.1 per cent, diploma studies 51.7 per cent, science 50.6 per cent, law 47.4 per cent, medicine 41.0 per cent, economics and political and social science 39.1 per cent, agriculture 32.8 per cent and engineering 19.4 per cent.

During the year 1988 72,987 candidates obtained university degrees in Italy. Women accounted for 44.1 per cent of this total and they constituted the following proportions of those graduating in the different disciplines: science 60.4 per cent, medicine 33.4 per cent, engineering 14.7 per cent, agriculture 21.2 per cent, economics 29.5 per cent, political and social science 39.1 per cent, law 36.5 per cent, arts 78.5 per cent and diploma studies 51.4 per cent.

As regards teaching personnel, there is in Italy no discrimination based on sex and recruitment is carried out solely on the basis of certification of studies and the possession of suitable qualifications. In this connection it should be noted that draft law No. 322 of 6 August 1988, which became Law No. 426 of 6 October 1988, eliminated in the junior level of the secondary schools any distinction based on sex in the appointment of teachers of physical education for boys and girls.

On 1 January 1988, out of a total of 866,906 teachers holding posts 622,907, or 71.6 per cent, were women.

This proportion, which is already high, is even higher in the lower-level schools such as nursery schools (99.5 per cent) and elementary schools (89.1 per cent) where women occupy virtually all the teaching posts, either because the required diplomas can be obtained by taking a shorter course or because, traditionally, there is a tendency to observe a continuity and affinity between the maternal role and the teaching of the smallest children, and because the combination of these two factors causes few men to seek such posts, as they are regarded as conferring only low social prestige.

No distinction is made between boys and girls in the curricula of each type of secondary school or university faculty.

The same principle applies with regard to access to school premises and equipment and boys and girls enjoy the same facilities.

In almost all the schools and - of course - in the universities, education is mixed and male and female students have the same opportunities to obtain scholarships and other education grants.

Similarly, men and women have access, on a basis of equality, to programmes of continuing education for adults. In the schools, boys and girls are given the same information on matters of health and personal and family welfare.

There is no discrimination in sports activities in the schools, although there is still some residual discrimination in certain sectors of competition.

As far as Italy's legislation and institutions are concerned, therefore, there is no discrimination based on sex in the field of education, although there is still some de facto discrimination that is connected with the predominance of a traditional mentality.

In order to eliminate these last forms of discrimination and having regard to the importance of education for Italy's social and cultural development, a Committee on Equality of Opportunity for Men and Women was set up in the Ministry of Education. The task of this Committee, composed of representatives of the Ministry and of trade unions and professional associations, is to promote in educational establishments relevant action - including positive action - aimed at ensuring effective equality among men and women teachers and among male and female students.

The forms of action to be taken by the Committee in order to achieve its objectives were specified: review of curricula and textbooks, from which sexist stereotypes were to be eliminated; study of the educational policies to be pursued and of the forms of guidance to be promoted in order to avoid the present concentration of female students in particular study areas, which happen to be those least related to the scientific and technological development of society; initial and further training of teachers, who, although the majority of them are women, have often perpetuated in a critical manner a male culture model.

As far as the curricula are concerned, however, it should be noted that the "New Curricula for Elementary Schools", in force since 1986, already stress the desirability of taking account in a positive manner of all types of diversity and, therefore, of diversity as regards sex.

Furthermore, a trial project being carried out in the area of vocational education provides for a substantial modification of the training programmes for infant welfare workers who deal with children from birth to pre-school age and who hitherto received a traditional indoctrination that led to confusion between the qualities required of them and those typical of the mother figure.

As regards educational measures to help in ensuring the health and well-being of families, including information and advice on family planning, which Law No. 405/1975 provides for "on a basis of respect for ethical beliefs", the Ministry of Health has promoted, in recent years, various national efforts in the field of health information and education, in which particular attention is paid to the problems of women and children.

This programme, "Operation Women", has included both educational and operational measures related to the protection of mothers and children and to making responsible and conscious choices regarding parenthood.

The programme has sought in particular to identify and reduce the risk factors connected with pregnancy and confinement, to promote an improvement in maternal health and reduce the perinatal and infant pathology and mortality rates, to foster a major campaign to develop awareness of and to disseminate the most suitable methods for prevention and early diagnosis of tumours in the genital area of women.

The Ministry of Health has also promoted, in co-operation with the telephone service, a "Health Information Service" which provides information by telephone on such subjects as women's health (pregnancy, infections, female tumours, menstrual cycles, sterility) and children's health (feeding, health, growth, behaviour).

Since 1985 the Ministry of Health has been implementing the "Children Plan", the main purpose of which is to create optimum health, social and environmental conditions so that pregnancy and birth may take place in a harmonious atmosphere, and therefore to depict pregnancy as a physiological process involving the nuclear family as a whole.

Finally, attention is drawn to the fact that, in addition to the previously mentioned efforts to expand schooling, the Ministry of Education is currently carrying out a number of projects organized to help young people: co-operation between regular school and extra-curricular activities in order to ensure integrated development; health education, with particular attention to the prevention of drug addiction; measures to promote the integration of foreign students; environmental education activities and "Operation Youth". The question of equality between the sexes is one of the primary concerns in all the above-mentioned projects and one of the priority aims is that of offering through the educational system effective equality of opportunity for male and female students.

Article 11

Equality of men and women in the field of employment

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

The constitutional references for the right to work and for the principle of equality of men and women workers are to be found in:

- Article 4 "The Republic recognizes the right of all citizens to work and promotes such conditions as will make this right effective ...".

- Article 37 "Female labour enjoys equal rights and the same wages for the same work as male labour ...".

In implementation of article 37 of the Constitution, the previously mentioned Law No. 903/77 on equality of treatment for men and women in the field of employment establishes regulations designed to ensure equality in access to employment, vocational training, remuneration, grading and functions, career development and social security. This legislation, together with its application by the courts and the administrations, therefore constitutes the principal reference basis for these specific points in the article of the Convention here under consideration.

Furthermore, article 15 of Law No. 300 of 20 May 1970 (also known as the "Workers Statute"), the object of which is to safeguard the freedom and dignity of workers at their work place, lists sex as one of the grounds on which there may be no discrimination.

11.1 (a) Right to work

The right to work, formally recognized by the Constitution, had to be guaranteed in practice.

As was indicated in the introduction to this report, the first legislation designed to protect working mothers (Law No. 860/1950) prohibited the dismissal of women workers from the start of their pregnancy until their child had completed its first year.

This prohibition was reinforced by the law on the protection of working mothers that is currently in force. This also provides that the employer must re-employ a female worker who has been dismissed if, within 90 days, she produces appropriate documentary evidence of the existence, at the time of her dismissal, of conditions which prohibited it.

Law No. 7/1963 prohibits the dismissal of a woman worker on grounds of marriage. This law establishes an absolute presumption of dismissal on this ground, and deems to be such any dismissal which takes place from the time of application for publication of the marriage banns until one year after the wedding. Furthermore, in order to avoid undue pressure by the employer, the law considers null and void any dismissal of a women worker that has not been personally confirmed by the latter to the Office of Employment.

The present situation, in any event, is that the right to work of women can be considered as recognized on the same basis as that of men and is no longer in dispute. This understanding has become established, not only as a result of the efforts and struggle of the women's movements, but also because of the changes that have taken place in social situations and customs. In particular, it is now commonly held that, in the great majority of cases, a working wife makes an essential contribution to maintenance of a reasonable standard of living and to the social advancement of the family.

Moreover, as regards the status of women who are the head of a single-parent family - an increasingly frequent situation, mainly because of the increasing number of separations and divorces, their earnings from their work constitute a vital (and often the only) source of income for the family.

This is the reason for the present policy which aims primarily at eliminating the remaining obstacles to effective and genuine equality as regards observance of the right to work, obstacles partly connected with the subjective conditions of women workers (such as the increased burden of family responsibilities or, in some cases, vocational training that is unsuited to the market demand) but is also very often connected with prejudice and cultural or traditional situations. In this connection, attention is drawn to the measures taken in Italy in support of the employment of women that were mentioned with reference to article 4 of the Convention.

11.1 (b) Employment opportunities and selection in matters of employment

Article 1 of the previously mentioned Law No. 903/77 prohibits discrimination, including discrimination by means of special methods of selection for employment.

The article states:

"Any discrimination on grounds of sex with regard to access to employment, whatever the method of recruitment and whatever the employment sector or branch of activity, shall be prohibited at all levels of the occupational hierarchy.

"The discrimination referred to in the preceding paragraph is prohibited even if it is already practised:

"1. Through reference to marital or family status or to pregnancy;

"2. Indirectly, through preselection procedures, through the press or through any form of advertising specifying that employment is offered only to persons of a particular sex.

...

"Derogations from the foregoing provisions shall be allowed only in the case of particularly burdensome work assignments, which shall be defined by collective bargaining.

"A requirement that applicants for employment in the field of fashion, art or entertainment be of a particular sex shall not constitute discrimination if this is essential because of the nature of the work or service to be performed."

With reference to the above-mentioned article it is pointed out that its entry into force automatically ended all prohibitions and barriers to work by women in particular fields, activities and positions specified in earlier legislation for the purpose of protecting women. These include transport and the lifting of loads, work in mines and underground and dangerous, fatiguing and unhealthy work in industrial enterprises specified in special shedules. These prohibitions still remain in force only for women who are minors or who are pregnant or in labour.

Collective bargaining, to which the law entrusts the definition of especially heavy work, has been particularly cautious in making use of the power conferred upon it to derogate from the principle of equality in access to employment by prohibiting certain activities and certain forms of work. At present the prohibition of performing particularly heavy work is to be found only in two or three national collective agreements, in a similar number of regional and provincial agreements and in a few dozen enterprise agreements.

It should not be thought, however, that great numbers of women have poured into occupations traditionally performed by men. On the contrary, the supply of female labour for such work has been fairly limited.

The women workers employed in these occupations very often possess special vocational training (an example being the female "mining experts" employed in mines).

The practice of the courts in implementing this particular provision has provided important clarifications.

There have been prosecutions in several cases of advertisement of posts providing for selection methods or qualification requirements viewed as discriminatory, both in the private sector (particularly in the banking sector) and in the public sector. Among others, requirements relating to the size of candidates (police recruitment), as well as selection methods involving, inter alia, ergometric tests (recruitment of manual workers by the State railways), have been considered discriminatory.

With regard to discrimination based on pregnancy, it has been established that women workers recruited through the Public Employment Office on the basis of special lists, as well as women workers who obtain public sector appointments on the basis of classification lists, are entitled to a contract of employment, even if this occurred during the period preceding or following confinement when the law prohibits their being assigned to work. Their services are then, of course, suspended until such time as the prohibition terminates.

With reference to article 5 of Law No. 903, which prohibits night work by women in industrial enterprises but which allows this prohibition to be cancelled through collective bargaining, the courts have ruled that requests by an employer for exclusively male personnel for assignment to night duty may not be entertained by the Employment Office, since the prohibition of performance of such work by female personnel may be lifted. A request for exclusively male personnel is lawful only for work to be performed only at night.

Offers, in the press, of employment for certain categories of personnel have often sought to imply that they were addressed both to men and to women. The publishers of newspapers in which such advertisements appear are not criminally liable, but the authors of the advertisements are.

A last point to be noted is that the above-mentioned provision of the law provides for a penalty consisting of a fine of from 200,000 lire to 1 million lire and benefits from the special emergency procedure (article 15) extensively referred to in connection with article 2 of the Convention.

In the framework of the regional and national Employment Commissions, which have certain powers with regard to vocational training, the appointment of "equality counsellors" is provided for, whose specific task is to take any necessary measures for ensuring access to work for women on a basis of equality (see the section of the report referring to article 3).

Specific functions in this area are also provided for by the decrees establishing special bodies within the civil service. These bodies are the National Committee on Observance of the Principle of Equality set up in the Ministry of Labour by the Ministerial Decree of 8 October 1982 and the similar National Commission set up in the Prime Minister's Office by the Decree of the President of the Council of Ministers of 12 June 1984.

These two bodies, whose establishment is to be confirmed by legislation, have not only co-operated in the preparation of draft legislation designed to ensure the achievement of equality, but they have also intervened in particular cases by giving their views in relation to specific circumstances.

Lastly, reference is made to the recent establishment by the Chamber of Deputies of a Commission on Equality.

All these measures have been taken as part of an overall unifying policy the main lines of which were drawn in the National Plan of Action prepared by the above-mentioned commission attached to the Prime Minister's Office. The purpose of this plan is to formulate and implement measures aimed at eliminating the remaining forms of discrimination between the sexes, to eliminate their causes and to carry out specific activities for the advancement of women.

11.1 (c) Free choice of profession and employment

Article 4 of the Constitution, to which reference has already been made, provides expressly that the right/duty to work must be understood as a right/duty to engage in an activity "of one's choice".

Moreover, this principle is confirmed later - and its scope is made broader - in article 25, which states that "no person may be required to work except as provided by law".

There is therefore in Italy no form of compulsory labour. Moreover, personal choice is encouraged, without any discrimination based on sex. All the arts, all occupations and professions and all forms of business activity are accessible to both women and men.

In Italy a substantial number of women work independently as self-employed persons or as small enterprises that are frequently of a family nature (farm operation, artisanal production, commerce).

Article 30 bis of the Civil Code establishes specific regulations relating to "family enterprises" by providing that all the family members co-operating in such enterprises are in a position of equality in all matters relating to the management and operation of the enterprise and that the distribution of profits and gains shall be in proporation to the quantity and quality of the work contributed.

Article 14 of Law No. 903 provides that "the right of independent workers who perform work in a family enterprise on a continuous basis to represent the enterprise in the statutory organs of co-operatives, consortiums or other forms of association is recognized".

The prohibition of any form of discrimination between men and women "in the assignment of grades and functions and in career development" is provided for in article 3, paragraph 1, of Law No. 903.

This provision concerning the assignment of grades and functions is generally appropriately implemented on the basis of rules laid down in collective agreements. These agreements provide for an occupational classification consisting of a specific number of occupational categories. Each of these agreements deals with the remuneration payable to these categories.

Within each of the categories are listed the work functions deemed to be of equal value. As a result, the functional assignment is clearly seen to correspond to the work actually performed and, where the employer does not ensure this, he may be sued to ensure observance of this right.

Article 2103 of the Civil Code also requires the employer to assign the employee to the duties for which he was recruited or to those of such higher category as he may subsequently attain. The demotion of a worker to a lower level is in any event prohibited.

It should be noted, however, that career development is one of the aspects on which Law No. 903 has had the least effective impact. In practice, very few women reach the summit of their careers. This question has been the subject of discussion and "positive action" measures have been encouraged by the trade unions in certain enterprises. Such action consists in examining the careers achieved by personnel of the two sexes, comparing them and reviewing the selection methods adopted.

Job security

The right to job security is recognized for all workers and there may be no derogations from it on grounds of sex. In particular, the system in force prohibits dismissal without just cause or justifying grounds in the case of enterprises employing more than 35 persons (Law No. 604 of 1966 dealing with individual dismissals).

Article 11 of this law establishes the legality of termination of employment "ad nutum" (without just cause or justifying grounds) when a worker reaches retirement age, which in Italy is 60 years for men and 55 years for women. Derogating from this rule, article 4 of Law No. 903/77 provides that "even when female workers qualify for entitlement to an old age pension, they may continue to work up to the age limit for men established by law, regulation or contract, provided they give their employer notice of their wish to do so at least three months before the date on which their entitlement to an old age pension commences".

The Constitutional Court made several findings relating to the above provisions and ruled that:

- A difference in retirement age for men and for women is lawful in view of the fact that, according to the still largely predominant custom, the responsibility for all domestic work in the family almost always falls exclusively on women and this, added to their other work, makes their role particularly arduous.

- Women are entitled to protection against dismissal up to the same age as applies in the case of men.

- The requirement that the employer be given prior notice is unlawful inasmuch as it qualifies a full subjective right.

Other features of the Italian system are the special protection of women against dismissal during pregnancy and until their child has completed its first year and the prohibition of dismissal of female workers on grounds of marriage (see paragraph 11.1 (a) on the "Right to work").

Vocational training

Another important provision aimed at eliminating any discrimination in the field of vocational training is the specific prohibition contained in article 1 of Law No. 903/1977, which provides that the prohibition of any discrimination, even indirect, against women also applies to action as regards both access to and the content of vocational guidance, training and retraining.

This rule is particularly important for the elimination of the cultural stereotypes still to be found in the content of such training.

A later framework law dealing with these matters that was adopted on 21 December 1978 confirmed this approach.

Court rulings have also steadily followed the same direction, particularly by holding unlawful exclusion from the benefit of training contracts (referred to in article 1, paragraph 1, of Law No. 285/77) of female candidates who are pregnant.

It should be noted that, in practice, the participation of women in vocational training courses of all kinds is about half that of the total participation for the two sexes. Special efforts are being made to help women who wish to return to productive work or who return to it at a late stage. (The statistical table below provides data on participation in vocational courses by sex.)

11.1 (d) Equal remuneration

Article 37 of the Constitution provides that "female workers enjoy equal rights and the same wages for the same work as male workers".

The meaning of the expression "for the same work" has been the subject of both doctrinal and jurisprudential discussion. However, as a result of ratification of Convention No. 100, the approach has been strengthened by recognition of the right to equal remuneration for work "of equal value". Practical application of this rule has been achieved mainly through collective bargaining.

Above all, the previous dual pay scales, one for males and one for females, were abolished by the agreement for the textile sector (1959) and particularly by the 1960 inter-trades framework agreement on equal pay.

In the years which followed, collective agreements established a new remuneration system. A specific number of "occupational categories", at different levels, were established under each agreement and a specific level of remuneration was fixed for each one. In each "category" were specified the activities and functions deemed to be "equal value". The evaluation criteria adopted were sometimes empirical, but "fab-evaluation" techniques were often used.

Table 4.12 - Vocational training courses according to course level, by region[a]

SCHOOL YEARS / REGIONS	BASIC TRAINING COURSES[b]			SPECIALIZATION COURSES			TOTAL				
	Courses	PARTICIPANTS		Courses	PARTICIPANTS		Places	Courses	PARTICIPANTS		Teachers
		M + F	F		M + F	F			M + F	F	
1981-82	13 155	275 295	114 934	1 297	31 940	13 447	3 645	14 452	307 235	127 481	38 871
1982-83	13 521	280 114	118 885	1 169	24 883	10 175	3 126	14 690	304 997	129 060	43 701
1983-84	13 215	281 735	118 237	1 404	29 376	13 042	3 225	14 619	311 111	131 279	42 883
1984-85	12 224	259 449	108 344	1 294	26 161	11 660	3 221	13 518	285 610	120 004	40 711
1985-86	12 754	268 943	114 028	1 421	30 187	12 523	3 247	14 175	299 130	126 551	43 626
1985-86 - BY REGION											
Piedmont	1 134	25 771	10 083	288	5 916	3 008	331	1 422	31 687	13 091	4 754
Valle d'Aosta	74	2 230	1 231	12	53	32	38	86	2 283	1 263	345
Lombardy	2 192	51 810	23 985	354	9 218	2 825	505	2 546	61 028	26 810	8 726
Trentino-Alto Adige	561	13 738	5 948	34	802	236	135	595	14 540	6 184	1 333
Bolzano-Bozen	*237*	*7 077*	*3 197*	*30*	*711*	*195*	*74*	*267*	*7 788*	*3 392*	*704*
Trento	*324*	*6 661*	*2 751*	*4*	*91*	*41*	*61*	*328*	*6 752*	*2 792*	*629*
Veneto	1 548	31 952	9 154	154	2 741	833	440	1 702	34 693	5 987	3 178
Friuli-Venezia Giulia	631	11 380	3 103	78	768	-	99	709	12 148	3 103	1 808
Liguria	345	7 168	2 940	38	619	270	61	393	7 787	3 210	1 407
Emilia Romagna	2 076	39 485	12 836	106	2 017	974	514	2 182	41 502	13 810	5 956
Tuscany[c]	481	9 310	4 056	56	1 331	535	155	537	10 641	4 591	1 719
Umbria	169	4 318	1 575	12	152	45	50	181	4 470	1 620	387
Marches	295	5 301	2 087	29	433	307	104	324	5 734	2 354	884
Latium	949	21 803	13 052	81	2 908	1 727	200	1 030	24 711	14 779	3 185
Abruzzi	419	8 168	3 157	36	744	400	86	455	8 912	3 557	763
Molise	139	1 842	1 224	5	89	87	35	144	1 931	1 311	304
Campania[c]	80	1 810	981	2	121	48	24	82	1 931	1 029	835
Apulia	438	8 603	4 108	21	322	102	117	459	8 925	4 210	2 610
Basilicata	81	1 713	1 028	3	54	46	22	84	1 767	1 074	427
Calabria	77	1 133	879	7	83	16	30	84	1 216	895	215
Sicily[c]	990	19 872	11 843	99	1 739	996	274	1 089	21 611	12 839	4 346
Sardinia[c]	95	1 536	758	6	77	36	27	101	1 613	794	444
ITALY	12 754	268 943	114 028	1 421	30 187	12 523	3 247	14 175	299 130	126 551	43 526
NORTH-CENTRE	10 455	224 266	90 050	1 242	26 958	10 792	2 632	11 697	251 224	100 842	33 682
SOUTH	2 299	44 677	23 978	179	3 229	1 731	615	2 478	47 906	25 709	9 944

(a) The vocational training courses provide the theoretical and practical knowledge required for the performance of occupational functions in the various sectors of production. Their purpose is to equip workers with skills and to provide retraining, higher training and specialized training. (b) These include courses of initial training, retraining and advanced training, as well as training for handicapped persons and other types of training. (c) Does not include (owing to unavailability) figures for the provinces of Grosseto, Benevento, Trapani, Sassari, Nuoro, and Oristano.

This processs was developed during the years 1960 to 1965.

Unfortunately, however, the types of work performed primarily by women are generally at the intermediate levels and frequently at the middle to lower levels of the classification of occupations and women workers who attain the highest levels are still few in number. This is due to the continued tendency, in industry, to assign women to particular jobs traditionally performed by them.

In the non-industrial sectors and particularly in tertiary activities, there is much less horizontal and vertical segregation of women workers and the latter are often to be found performing an extensive range of activities and functions.

Law No. 903/77 took account of the results of the collective agreements which had been concluded. Article 2 provides: "Female workers are entitled to the same remuneration as male workers where the work required to be performed is the same or of equal value".

Paragraph 2 of the same article also provides that "Job classification systems for the determination of remuneration must adopt common criteria for men and women".

Article 16 of the same law is of particular importance in providing that non-observance of the provisions of article 2 is punishable by a fine of 200,000 lire to 1 million lire. Law No. 903 also makes null and void any contract provisions that are inconsistent with the law.

Consequently, pay scales do not - and may not - include any clauses which discriminate between the sexes.

The statistics nevertheless show that differences in remuneration are still to be found, although they are not of great magnitude. This is due, not only to the fact that female workers are, on average, at the lowest levels, but also to other subjective factors such as women's lower "seniority".

In illustration, some information on actual pay in industry based on a periodic survey carried out by the Ministry of Labour among enterprises with at least 30 employees is given below (data relating to April 1984):

- TEXTILE INDUSTRY: (1 266 establishments)

  Average gross hourly pay: Men 6 650.95

  Women 6 051.56

- CHEMICALS INDUSTRY: (607 establishments)

  Average gross hourly pay: Men 7 760.22

  Women 6 993.87

The courts later laid down several principles for evaluation of equality of remuneration, including: comparison of pay treatment as a whole and not only of minimum pay; consideration, in judging the extent of discrimination, of functions actually performed, etc.); exclusion of the evaluation of industrial output.

11.1 (e) Social security

Italy applies the principle of non-discrimination in the provision of social security and in old age, survivors, unemployment, sickness and invalidity

benefits. This is ensured substantively in article 9 (s) of Law No. 903/77 and has been confirmed in a number of subsequent rulings of the Constitutional Court, which on several occasions took measures to adapt earlier legislation to the principle of equality between the sexes.

The following paragraphs review, in relation to articles 9 to 12 of Law No. 903, the application of this principle by the various juridical institutions forming the Italian social security system.

Family allowances (Law No. 903, article 9)

Prior to Law No. 903, only workers who were "heads of families" were entitled to family allowances (i.e. to the pay supplement for dependent family members which was paid within the framework of the compulsory social insurance schemes). A woman could obtain head-of-family status (and thus entitlement to the allowances in her own name) only in the case where the husband had died or had a disability permanently preventing him from working. Article 9 established for the spouses the right to choose to whom the allowance should be paid. ("Family allowances, family supplements and pension supplements for dependent family members may, as an alternative, be paid to the wife if she is working or is retired, on the same basis and subject to the same limitations as in the case of a male worker or male retired person.")

The family allowances have now been replaced by the "home allowance" which is paid only to poorer families according to family income and the number of persons making up the home.

The principles for determining the persons entitled to this benefit remain the same.

In particular, prior to Law No. 903, the social security system was based, as far as benefits payable to members of the nuclear family were concerned (pensions revertible to surviving members of the family after the death of the worker, family allowances), on the principle that the person entitled to the benefit was the husband, who was regarded in law as the "head of family". For these purposes, the wife could attain head-of-family status only in special circumstances.

That arrangement - which was consistent with the earlier situation where in practice the participation of women in productive activity was relatively low, particularly if they were married mothers, and where in any event the contribution to the family's income made by the wife's work was regarded only as a supplement or replacement as compared with the basic contribution made by the husband - has been clearly overtaken by the present situation in which the participation of women in production is growing enormously and is causing a re-evaluation of the economic importance of women workers for the functioning of households. These new principles, already incorporated in the new family law (Law No. 151/75), which give the two spouses the same obligation to provide support for the family unit, were integrated in Law No. 903 as part of the social security system. This law grants to women the rights already recognized to men as regards family allowances and establishes complete reciprocity of the revertibility of the husband's pension to the wife and conversely that of the wife to the husband.

Old age and survivors' pension (Law No. 903, article 11)

No distinction is made between the sexes as regards either the cumulation of pension benefits or the benefits themselves. The old age pension is calculated on the basis of the remuneration during the last period of employment and the number of years of participation in the compulsory insurance scheme.

In this connection it should be remembered (see section 11.1 (c) - job security) that the age limit for entitlement to a pension in Italy is 55 years for women and 60 years for men and that the Constitutional Court (Judgement No. 137/86) held this difference to be legitimate having regard to the conditions under which women still worked. However, it disapproved the dismissal "ad nutum" of women workers during the period between the retirement age of women and the retirement age of men. This situation, which is clearly advantageous to women, seems in any event destined to be modified in due course, since governmental programmes aimed at reforming the pension system are tending to provide for equalization of the retirement age.

There is another difference in the public sector inasmuch as male civil service employees can resign with a pension entitlement after 20 years of service whereas female employees can benefit from this entitlement after only 15 years of service if they are married or are the mothers of minor children. This special provision was recently criticized by the Regional Administrative Tribunal of Latium, which ruled that a male civil servant with minor children was entitled to a pension after 15 years of service. The case involved is currently before the Constitutional Court.

As regards survivors' pensions, article 11 of Law No. 903, which incorporates the principle referred to above, is particularly important. Before this law entered into force the pension of a deceased worker was revertible, not only to his children who were minors or permanently incapacitated for work, but also to his spouse, whether or not she was entitled to a pension of her own. However, the wife's pension was not revertible to the husband except in special circumstances.

Article 11 made the wife's pension revertible to the husband, always and in all cases.

The same principle was adopted for the other types of pension differing from the old age pension, including the pensions payable in cases of death or permanent disability caused by an industrial accident or illness (articles 10 and 12 of Law No. 903).

The Constitutional Court, by declaring partly unconstitutional articles 11 and 12 of Law No. 903, later extended the right concerned, by making the pension revertible to the surviving husband of a female worker who died before the entry into force of Law No. 903.

Unemployment, loss of capacity to work

The rules concerning benefits payable in case of involuntary unemployment include no discrimination based on sex. Unemployment insurance is compulsory for persons of either sex who have reached the age of 14 and are in paid employment, excluding employees of public or private enterprises whose employment is guaranteed and employees of minor categories such as, in general, those who work only occasionally in the service of others and those who share in the profits of an enterprise.

There remains no discrimination based on sex in the Italian system, not even as regards benefits payable in the event of loss of capacity to work, whether such incapacity be due to industrial illness or accident (temporary allowance, annuity or to other non-occupational causes (disability pension).

Sickness

Under Law No. 833/78, which established the national health service, health services for purposes of prevention, care and rehabilitation consisting in consultations with general practitioners or specialists, either in the home or in a clinic, and of pharmaceuticals and hospitalization, are offered to all citizens on a basis of equality.

Citizens contribute to the payment of health costs through contributions determined according to different principles and methods depending on occupational category and income and through a system of reduced charges for certain categories of health care specified annually in the law approving the national budget.

The contribution payable in respect of workers consists in a percentage share of their remuneration which must be paid by the employer, with the exception of a small percentage that is payable by the worker himself.

The social security system provides for payment of an allowance to workers while they are absent from work because of sickenss. This is paid by the bodies responsible for the payment of pensions.

No distinction is made between men and women as regards either the contribution or the sickness payment, which is calculated as a percentage of remuneration.

It should be noted that the maternity benefits to which all women are entitled (consultation of specialists, clinical analyses, hospitalization for delivery) are not subject to reduction.

11.1 (f) Paid holidays*

The right to paid holidays is recognized by the Constitution (article 36, paragraph 3, "Workers are entitled to a weekly day of rest and to annual holidays with pay. They may not forego this entitlement".

This provision is applied generally to all workers, regardless of the sector in which they work and regardless of their sex.

The courts later ruled that, because of its constitutional nature, this provision could not replace leaves of absence or holidays from which workers benefited on any other ground.

As regards all matters specifically relating to the subject of this report, while the absence of discrimination in the field covered by this provision is stressed, attention is drawn to the fact that Law No. 1204/71 concerning the protection of working mothers expressly confirms in its article 8 that holidays and leaves of absence to which female workers are entitled on any other ground cannot be availed of at the same time as the mandatory and optional periods of absence from work provided for in the same Law.

---

* In this connection see article 4.2.

11.2 Protection of working mothers

The principles of article 11, paragraph 2 (a), of the Convention are largely incorporated in Law No. 1204/71, information on which was already given in connection with article 4.

The following paragraphs summarize the principal forms of protection and deal with those aspects which are most relevant to the specific provisions considered here.

11.2 (a) Prohibition of dismissal

The prohibition of dismissal from the start of pregnancy until the child has completed its first year is contained in article 2 of Law No. 1204/71, which provides: "Women workers may not be dismissed from the start of pregnancy until the end of the period of prohibition of work specified in article 4 of the present law or until the child has reached the age of one year".

The prohibition of dismissal applies in connection with the objective state of pregnancy and childbirth and a woman worker who is dismissed during the period in which the prohibition applies is entitled to restoration of her employment upon submission, within 90 days following her dismissal, of an appropriate document certifying the existence, at the time of her dismissal, of the circumstances which prohibited it.

During the period in which the prohibition of dismissal applies, a woman worker may not be suspended from duty except where the activity of the enterprise or department to which she belongs is interrupted, provided the said department is functionally autonomous.

Article 30 of the law establishes for breach of these provisions a fine of 20,000 to 100,000 lire in respect of each woman worker to which the non-observance of the provisions of the law relates.

Also to be noted is Law No. 7/63 which prohibits dismissal of a woman worker on grounds of marriage (article 11.1 (a) right to work; and (c) job security).

In particular, there is a tendency, both in jurisprudence and practice, not to regard pregnancy as preventing access to work. Based on article 1 of Law No. 903 (equality of treatment for men and women in the field of employment) which prohibits any discrimination in access to work "with reference to pregnancy", and article 8 of Law No. 300/17 (Workers Statute) which makes it an offence to make inquiries into facts which are of no relevance in "evaluating the occupational qualifications of workers", this tendency denies legitimacy to any checking by an employer as to whether a prospective female worker is pregnant.

In the same spirit, failure by the Employment Office (which in this case was recognized as being the party which committed the offence) to provide vocational training to a pregnant woman worker was declared discriminatory.

11.2 (b) Maternity leave

Compulsory abstention from work on grounds of maternity is established by article 4 of Law No. 1204 and includes:

(a) The two months preceding the presumed date of delivery, as indicated by the medical certificate;

(b) Any intermediate period between the presumed date and the actual date of delivery;

(c) The three months following delivery.

Absence from work for the periods following delivery is compulsory and a woman worker may not renounce it. Criminal penalties are provided for any employer who fails to observe article 3, which follows.

Periods of compulsory absence on maternity leave are taken into account in determining seniority and the effects thereof.

11.2 (c) Social services

Day nurseries

A fairly extensive network of day nurseries has been established in Italy under Law No. 1044/71 on the Five Year Plan for provision of State-assisted community day nurseries. This plan, which was later renewed by Law No. 891/77, was adopted in response to the emergence of a pressing demand and to requirements determined by changes in family organization and, in particular, problems created by the growth of female employment. It provided for the establishment of more than 2,000 day nurseries (including some 600 which had previously been operated by the former National Charity for Mothers and Children). These day nurseries were set up throughout the country, although there are still some areas in the southern regions which still lack them.

The financing of the day nursery service is ensured through contributions by the State, the regions and the communes, as well as contributions by the users, generally based on their income. In any event the children of the poorest families are admitted to the nurseries free of charge. The nurseries are operated by the communes.

Law No. 1044/71 describes the day nurseries as a "social service" provided for the care and upbringing of children up to the age of three, essentially to enable their parents to work. Subsequent regional legislation later stressed the psycho-pedagogic aspect of day nurseries. Attendance at these establishments is increasing and the children of non-working mothers, as well as those who have problems of social or family integration, are given priority in admission.

Atttached will be found two tables showing the number of day nurseries in the various regions and the number of places and of children in the modern day nurseries.

11.2 (d) Protection of pregnant women assigned to types of work harmful to them

Protection of pregnant women employed in types of work harmful to them is provided mainly by article 3 of Law No. 1204//1 (see article 4 of the Convention). Paragraph 1 of this article provides as follows: "The assignment of women workers, during their pregnancy and for seven months after delivery, to work involving the carrying or lifting of weights, or to hazardous, tiring or unhealthy work, is prohibited". Hazardous work is defined by article 5 of the regulation providing exemptions from the law (Decree No. 1026/76 of the President of the Republic), which also includes a comprehensive schedule of industrial activities including operations performed on ladders or on mobile scaffolding, load handling operations, operations involving standing for a period equal to half the work time or which

require the worker to adopt a tiring position, operations performed with a pedal-operated machine or a machine causing jolting or shaking, operations performed on board ships or aircraft, operations consisting in helping and caring for the sick in departments for infectious diseases or for nervous or mental diseases and operations involving contact with the public when there is a risk of infection, particularly during epidemics.

Women workers employed in prohibited activities must be assigned to other functions for the full period during which the prohibition remains in force (Law No. 1204, article 3.2 (c)). In derogation from the principle laid down in the Civil Code and the Workers Statute, the law permits the assignment of women workers to functions of a lower category, although they must, in all cases, continue to receive the pay corresponding to the functions they performed previously.

In addition to the specific prohibition of certain types of work in the above-mentioned article 5 of the regulation providing for exemptions from the law, the Labour Inspectorate may itself adopt provisions prohibiting other forms of activity and ordering the assignment of a woman to other duties if it finds that her working conditions or working environment are prejudicial to her health (Law No. 1204, article 3.3 (c)).

If transfer to other duties is not possible, the Labour Inspectorate may directly order the female worker concerned to absent herself from work for the entire period of her pregnancy and for the period following delivery, up to a maximum of seven months. She is then paid, under the social security system, the equivalent of 80 per cent of her normal pay.

A later rule, contained in article 4 of Law No. 1204, relates to work considered excessively hard and harmful for women who are in an advanced state of pregnancy. The Labour Inspectorate, by taking specific action, or the Ministry of Labour, by issuing a decree that is applicable generally, may make the obligatory abstention from work begin to apply three months before the presumed date of delivery.

Article 5 of Law No. 1204 contains provisions relating to all matters concerning prohibition of work in circumstances affecting an individual worker, such as "serious complications of pregnancy" or "pre-existing forms of illness which may be aggravated by pregnancy".

Finally, it is again the Labour Inspectorate which, on the basis of medical certification, may require a woman worker to abstain from work for one or more periods, at any stage of pregnancy. The pay received by the person concerned is then the same as that referred to above.

An employer is liable to a criminal penalty for any breach of the above-mentioned rules:

(a) In cases of serious complications of pregnancy or of pre-existing forms of illness which, it is presumed, could be aggravated by pregnancy;

(b) If the working conditions or working environment are considered prejudicial to the health of the woman and her child;

(c) If the worker cannot be assigned to other duties as provided in article 3 above.

Article 6 provides that the above-mentioned periods of compulsory absence from work shall be taken into account in determining seniority for all purposes including Christmas bonuses and leave.

In addition, special rules apply to women workers exposed to ionizing radiation.

Decree No. 185 of the President of the Republic of 13 February 1964 ("Safety of installations and health protection of workers and populations against the danger of ionizing radiation resulting from the peaceful use of nuclear energy") prohibits the assignment of minors below the age of 18 and of pregnant women to duties such as those performed by workers exposed to such radiation.

Article 68 of the same Presidential Decree, which deals with specific exceptional radiation, provides that women may not be exposed to such radiation before the end of their period of fertility.

To supplement the foregoing information relating to article 11 (employment) of the Convention, we furnish some statistics from ISTAT concerning the trends and features of employment of women in Italy, together with comments thereon.

The historical series for the 1980s (1981-1987), a table of which is attached (population by status, by wage-earners' economic sector and by sex), shows the steady growth of the female labour force, which increased during this period by more than 1 million persons.

The increase exceeds that of both the total female population (+ 445,000) and the total number of female wage-earners, which increased by slightly less than 500,000.

In the case of men the trend has been quite different. The figures show the male labour force to be more or less stationary, in absolute figures, as is the ratio compared with the total male population and the total number of male wage-earners, which declined slightly.

All the above factors indicate that:

- The number of women workers is steadily increasing. This trend is irreversible and its dynamic and features are quite different from the trend for male workers;

- The aspiration of women workers to engage in productive activity is not finding sufficient work opportunities during the current period of radical technological change which, in Italy, during the present phase at least, is giving rise to reduced levels of employment in certain sectors;

- The increasing female unemployment (the rate is double that for males) is caused not only (and not so much) by continuing prejudice and by the perpetuation of attitudes which undervalue women's work and affect equality of opportunity to obtain work, but also as by the greater supply of female labour, a considerable and increasing supply, which is itself a symptom of Italian women's greater self-awareness and independence.

As far as the particular sectors in which women are finding employment are concerned, it should be noted that women have benefited considerably from the increasing development of the tertiary sector and the decline of employment in

agriculture (largely for physiological reasons), as well as the slight drop in the industrial sector, where women are still experiencing some difficulties of integration and where horizontal and vertical segregation is most felt.

The foregoing trends became even more marked during the last three years (1984-1987), for which these developments are analysed in greater detail below.

The attached table (table I: female population, labour force, employment and underemployment in Italy, 1984-1987) reveals:

- The increasing supply of female labour (the female labour force increased during the period by 613,000 persons or 7.7 per cent) succeeded in reducing to less than one third the proportion of Italian women of working age not engaged in productive activity (labour force/non-labour force ratio), confirming the tendency for most Italian women to wish to obtain employment.

- The considerable increase in female employment during the period (+ 336,000 units, or 5 per cent), owing to the decisive contribution of the growth of employment in the tertiary sector (+ 472,000 units during the three years, equivalent to + 11.4 per cent, or an average of + 3.5 per cent per year) was accompanied by an equally striking increase in so-called "explicit" unemployment (i.e. persons who, in response to ISTAT surveys, said that they were actively seeking work) which raised the female unemployment rate from 16.5 per cent in 1984 to 18.7 per cent in 1987 (+ 287,000 units).

- With regard to the classification of the women seeking employment (the so-called "explicit unemployment"), whereas the data concerning the female unemployed who had previously held employment confirms the persistence of difficulties, particularly in the industrial sector, which has been affected by restructuring and adjustment processes (234,000 female unemployed in 1987, an increase of 35,000 units over 1984), and the data concerning those seeking initial employment show the strong pressure of all the young women arriving on the labour market (689,000 in 1987, an increase of 86,000 over 1984), there is a particularly important and significant phenomenon underlying the figures for "others seeking employment". This group includes mainly women seeking to re-enter the labour market after a period of absence, generally women who have had to fulfil family responsibilities, but also, and in particular, women not gainfully occupied, mainly housewives, who wish to obtain employment in the production sector. This confirms that the emancipation processes involve not only the younger generations, but women as a whole.

The figures are substantial (681,000 in 1987, an increase of 166,000 units over 1984) particularly when compared with those for 1981, when those belonging to the special class of persons seeking employment numbered 475,000.

- Where young people are concerned, the unemployment rates by age group (see table V, average female unemployment rate in Italy, 1984-1987, by level of education and age group) show the pressure on the labour market with the end of schooling at different levels (14-19 years, unemployment rate 51.3 per cent; 20-29 years, unemployment rate 31.1 per cent in 1987), as well as the length of the waiting period (exceeding two years on average) before first entry into employment.

Finally, a last observation must be made concerning the relationship between the length and quality of education and unemployment.

Whereas table III (Average 1987 population, aged 14 and over, by sex, age group and educational qualification) shows a continuing slight imbalance between the qualifications obtained by boys and by girls, an imbalance which is in process of rectification in the younger age groups, table IV (Average female labour force, employment and unemployment in Italy, 1984-1987, by educational qualification) and table V, already referred to, show a particularly high rate of unemployment among females possessing a senior secondary school diploma (22.1 per cent in 1987) or even a bachelor's degree (9.3 per cent in 1987).

This phenomenon must be due, in part at least, to the nature of the educational courses still preferred by a large number of females, which are not always those which best meet the current requirements of the labour market.

While the social and cultural changes which have taken place in the last decade, including those resulting from the new legislation designed to ensure equality, have considerably reduced discrimination in access to employment, the not always very wise choices made by females in the matter of school and vocational curricula are still clearly retarding the full realization of equality and are also a cause - by no means the last one - of the continuing sectoral segregation of female workers.

Table I

Female population, labour force, employment, unemployment and under-employment during the years 1984, 1985, 1986 and 1987
(thousands)

	1984	1985	1986	1987	Variation 1984 to 1987 Absolute	Percentage
Labour force	7 982	8 111	8 399	8 595	+613	+7.7
Employed	6 665	6 753	6 903	6 991	+336	+5.0
- Agriculture	846	811	799	756	- 90	-10.6
- Industry	1 661	1 625	1 627	1 605	- 56	- 3.4
- Other work	4 158	4 317	4 477	4 630	+472	+11.4
Seeking employment ("explicit" unemployment)	1 317	1 358	1 496	1 604	+287	+21.8
- Unemployed but previously employed	199	199	212	234	+35	+17.6
- Seeking initial employment	603	635	679	689	+86	+14.3
- Others seeking employment	515	524	605	681	+166	+32.2
Not part of the working-age labour force (age 14-70)	13 191	13 222	13 103	12 976	-215	1.6
of which: prepared to work under certain conditions ("explicit" under-employment)	593	566	569	563	-30	- 5.1
Not forming part of the labour force and not of working age (below 13 and over 70)	7 786	7 671	7 536	7 507	-239	- 3.1
Unemployed + "explicit" under-employed	1 910	1 924	2 065	2 167	+257	+13.5
"Corrected" labour force (labour force + persons not classified as part of labour force but prepared to work under certain conditions)	8 575	8 677	8 968	9 158	+583	+ 6.8
Current population	28 919	29 004	29 038	29 078	+159	+ 0.5
Employment rate (labour force as percentage of population)	27.6	28.0	28.9	29.6	-	-
Unemployment rate ("explicit" unemployed as percentage of labour force)	16.5	16.7	17.8	18.7	-	-
Unemployment/under-employment rate (unemployment + explicit "under-employment" as percentage of "corrected" labour force)	22.3	22.2	23.0	23.7	-	-

Source: Ministry of the Budget and Economic Planning, General Report on the National Economic Situation, 1986 and 1987, Rome, 1987 and 1988, Vol. III.

Presentation ours.

Table 11

Population according to attitude towards work, by sex, 1986
(absolute figures in thousands)

CONDITION	ABSOLUTE FIGURES			PERCENTAGE COMPOSITION CONDITION			FEMALES AS PERCENTAGE OF TOTAL
	M	F	TOTAL	M	F	TOTAL	
1. Persons forming part of the labour force	15 068	8 399	23 487	54.7	28.9	41.5	35.8
1.1 Wage or salary earners	13 953	6 903	20 856	50.7	23.8	36.9	33.1
1.1.1 Who stated they were wage or salary earners	13 595	6 581	20 176	49.4	22.7	35.7	32.6
1.1.2 Who did not state they were wage or salary earners, but who stated they had worked for a certain period during the week considered	358	322	681	1.3	1.1	1.2	47.3
of which: partially unemployed	454	392	847	1.6	1.4	1.5	46.3
1.2 Persons seeking employment	1 115	1 496	2 611	4.0	5.2	4.6	57.3
1.2.1 Who stated they were unemployed or seeking initial employment	906	891	1 796	3.3	3.1	3.2	49.6
Unemployed	289	212	501	1.0	0.7	0.9	42.1
Persons seeking initial employment	617	679	1 296	2.2	2.3	2.3	52.4
1.2.2 Who stated they had no occupation (housewife, student, retired person, etc.) but who, to a later question in the same interview, replied that they were seeking work	209	605	814	0.8	2.1	1.4	74.3
2. Persons not forming part of the labour force	12 471	20 638	33 109	45.3	71.1	58.5	62.3
2.1 Persons of working age (14-70 years)	5 652	13 103	18 755	20.5	45.1	33.2	69.9
2.1.1 Who stated they were not seeking work but who considered that they could perform work under special conditions	164	569	733	0.6	2.0	1.3	77.6
2.1.2 Who stated that they were not seeking work, as unable to work or had no interest in working	5 488	12 534	18 022	19.9	43.2	31.9	69.5
2.2 Persons not of working age (below 13 and over 70 years)	6 819	7 535	14 354	24.8	26.0	25.4	52.5
Total	27 538	29 038	56 576	100.0	100.0	100.0	51.3

Table III

Average 1987 population aged 14 and over, by sex, age group and educational qualification
(thousands of units)

	Aged 14-19	Aged 20-24	Aged 25-29	Aged 30-59	Aged 60 +	Total 14 and over
Males and females - total	5 156	4 387	4 825	27 435	11 388	47 401
- No qualification and elementary school certificate	578	480	550	11 186	9 387	22 180
- Junior secondary school certificate	4 159	2 847	1 820	6 211	1 132	15 369
- Baccalaureate	420	1 020	1 453	3 781	623	8 196
- Bachelor's degree	...	21	202	1 257	257	1 737
Males - total	2 637	2 188	1 950	11 068	4 984	22 827
- No qualification and elementary school certificate	323	200	245	4 930	3 877	9 574
- Junior secondary school certificate	2 143	1 074	912	3 329	580	8 039
- Baccalaureate	171	905	694	2 060	334	4 164
- Bachelor's degree	...	9	99	750	193	1 050
Females - total	2 519	2 199	2 875	11 366	6 414	24 574
- No qualification and elementary school certificate	255	280	305	6 256	5 510	12 526
- Junior secondary school certificate	2 016	973	908	2 882	552	7 330
- Baccalaureate	249	1 015	759	1 721	289	4 032
- Bachelor's degree	...	13	103	507	64	687
Females - percentage breakdown	100 0	100 0	100 0	100 0	100 0	100 0
- No qualification and elementary school certificate	10 1	9 1	14 7	55 0	85 9	51 0
- Junior secondary school certificate	80 0	44 2	43 7	25 4	8 6	29 8
- Baccalaureate	9 9	46 1	36 6	15 1	4 5	16 4
- Bachelor's degree	...	0 6	5 0	4 5	1 0	2 8

Source: I.S.T.A.T., Labour force data - 1987, Information Series, No. 13, 1988.

Table IV

Average female labour force, employment and unemployment, 1984 to 1987, by age group and educational level

	1984		1985		1986		1987		Variation 1984 / 1987	
	1000s of units	% break-down	1000s of units	% break-down	1000s of units	% break-down	1000s of units	% break-down	1000s of units	% break-down
Labour force - total	7 982	100 0	8 111	100 0	8 399	100 0	8 595	100,0	+ 613	+ 7 7
14 - 19 years	686	8 6	656	8 1	638	7 6	628	7 3	- 58	- 8 5
20 - 29 years	2 373	29 7	2 428	29 9	2 556	30 4	2 657	30 8	+ 284	+ 12 0
30 - 39 years	2 067	25 9	2 162	26 7	2 262	26 9	2 304	26 8	+ 237	+ 11 5
40 - 49 years	1 577	19 8	1 605	19 8	1 647	19 6	1 707	19 9	+ 130	+ 8 2
50 - 59 years	986	12 3	975	12 0	1 003	12 0	1 011	11 8	+ 25	+ 2 5
60 - 64 years	192	2 4	186	2 3	184	2 2	179	2 1	- 13	- 6 3
65 years +	101	1 3	99	1 2	109	1 3	109	1 3	+ 8	+ 7 9
Employed - total	6 665	100 0	6 753	100,0	6 903	100 0	6.991	100 0	+ 336	+ 5 0
14 - 19 years	334	5 0	314	4 7	314	4 6	306	4 4	- 28	- 8 4
20 - 29 years	1 743	26 1	1 762	26 1	1 801	26 1	1 830	26 2	+ 87	+ 5 0
30 - 39 years	1 870	28 1	1 948	28 9	2 010	29 1	2 030	29 0	+ 160	+ 8 6
40 - 49 years	1 478	22 2	1 508	22 3	1 534	22 2	1 581	22 6	+ 103	+ 7 0
50 - 59 years	953	14 3	941	13 9	959	13 9	962	13 8	+ 9	+ 0 9
60 - 64 years	189	2 8	183	2 7	180	2 6	176	2 5	- 13	- 6 9
65 years +	98	1 5	97	1 4	105	1 5	106	1 5	+ 8	+ 8 2
Seeking employment - total	1 317	100 0	1 358	100 0	1 496	100 0	1 604	100 0	+ 287	+ 21 8
14 - 19 years	352	26 7	342	25 2	324	21 7	322	20 0	- 30	- 8 5
20 - 29 years	630	47 9	666	49 0	755	50 4	827	51 6	+ 197	+ 31 3
30 - 39 years	197	15 0	214	15 8	252	16 8	274	17 1	+ 77	+ 39 1
40 - 49 years	99	7 5	97	7 2	113	7 6	126	7 9	+ 27	27 3
50 - 59 years	33	2 5	34	2 5	44	2 9	49	3 0	+ 16	+ 48 5
60 - 64 years	3	0 2	3	0 2	4	0 3	3	0 2	-	-
65 years +	3	0 2	2	0 1	4	0 3	3	0 2	-	-

Source: See table I.

Table V

Average female unemployment rate in Italy during the years 1984 to 1987, by level of education and age group

(percentage rates for specific groups in the labour force)

	1984	1985	1986	1987
Educational qualification				
- No qualification and elementary school certificates	9.8	10.3	12.1	13.3
- Junior secondary school certificate	20.8	20.6	21.3	21.9
- Baccalaureate	21.8	21.7	21.8	22.1
- Bachelor's degree	9.3	9.2	8.8	9.3
Age groups				
14 - 19 years	51.3	52.1	50.8	51.3
20 - 29 years	26.5	27.4	29.5	31.1
30 - 39 years	9.5	9.9	11.1	11.9
40 - 49 years	6.3	6.1	6.9	7.4
50 - 59 years	3.3	3.5	4.4	4.8
60 - 64 years	1.6	1.7	2.2	1.7
65 and over	3.0	2.8	3.7	2.8
Total	16.5	16.7	17.8	18.7

Source: Data in tables II and III

Presentation ours

Table VI

Persons not unemployed, by stated situation, sex, economic branch and status in occupation - 1986
(absolute figures in thousands)

SECTORS / POSITIONS	TOTAL OF PERSONS NOT UNEMPLOYED			Males as percentage of total	PERSONS DECLARING THEMSELVES NOT UNEMPLOYED			Males as percentage of total
	M	F	Total		M	F	Total	
				ABSOLUTE FIGURES				
Agriculture	1 442	800	2 241	64.3	1 311	680	1 991	65.8
wage-earners	520	308	828	62.8	489	283	772	63.3
self-employed	521	492	1 413	65.2	822	397	1 219	67.4
Industry	5 194	1 627	5 821	76.1	5 107	1 579	6 686	76.4
wage-earners	4 251	1 408	5 659	75.1	4 185	1 377	5 561	75.2
self-employed	943	219	1 162	81.2	922	202	1 125	82.0
Other	7 317	4 477	11 794	82.0	7 177	4 322	11 499	82.4
wage-earners	4 884	3 333	8 217	59.4	4 810	3 245	8 054	59.7
self-employed	2 433	1 144	3 577	68.0	2 367	1 077	3 444	68.7
Total	13 953	6 903	20 856	66.9	13 595	6 581	20 176	67.4
wage-earners	9 656	5 048	14 704	65.7	9 483	4 904	14 387	65.9
self-employed	4 297	1 855	6 152	69.8	4 111	1 677	5 788	71.0
				PERCENTAGE BY SECTOR AND BY POSITION				
Agriculture	10.3	11.6	10.7	-	9.6	10.3	9.9	-
wage-earners	3.7	4.5	4.0	-	3.6	4.3	3.8	-
self-employed	6.6	7.1	6.8	-	6.0	6.0	6.0	-
Industry	37.2	23.6	32.7	-	37.6	24.0	33.1	-
wage-earners	30.5	20.4	27.1	-	30.8	20.9	27.6	-
self-employed	6.8	3.2	5.6	-	6.8	3.1	5.6	-
Other	52.4	64.9	56.5	-	52.8	65.7	57.0	-
[illegible]	[illegible]	[illegible]	[illegible]	-	35.4	49.3	39.9	-

Table VII

Vocational training courses according to course level, by region[a]

SCHOOL YEARS / REGIONS	BASIC TRAINING COURSES[b]			SPECIALIZATION COURSES			TOTAL				
	Courses	PARTICIPANTS		Courses	PARTICIPANTS		Places	Courses	PARTICIPANTS		Teachers
		M + F	F		M + F	F			M + F	F	
1980-81	12 444	262 483	108 681	1 556	23 399	12 800	3 141	14 000	291 882	120 681	37 609
1981-82	13 155	275 295	114 034	1 297	31 940	13 447	3 645	14 452	307 235	127 481	38 871
1982-83	13 521	280 114	118 985	1 169	24 883	10 175	3 126	14 690	304 997	129 060	43 701
1983-84	13 215	281 735	118 237	1 404	29 376	13 042	3 275	14 619	311 111	131 279	42 883
1984-85	12 224	259 449	108 344	1 294	26 161	11 660	3 221	13 518	285 610	120 004	40 711
1984-85 - BY REGION											
Piedmont	1 218	26 639	11 488	324	5 815	3 379	351	1 542	32 454	14 867	4 850
Valle d'Aosta	87	2 454	1 322	11	66	55	53	98	2 520	1 377	259
Lombardy	2 099	49 182	23 061	304	7 103	2 667	427	2 403	56 285	25 728	7 950
Trentino-Alto Adige	471	12 412	5 688	74	1 852	366	144	545	14 864	6 054	1 405
Bolzano-Bozen	*167*	*5 417*	*2 594*	*69*	*1 485*	*272*	*73*	*232*	*6 902*	*2 866*	*771*
Trento	*303*	*6 995*	*3 094*	*5*	*167*	*94*	*71*	*309*	*7 162*	*3 189*	*634*
Veneto	1 615	35 771	9 017	112	2 065	602	574	1 727	37 836	9 619	2 996
Friuli-Venezia Giulia	442	8 010	2 421	35	554	58	72	477	8 564	2 479	1 058
Liguria	369	7 076	2 936	21	516	238	71	390	7 592	3 176	1 386
Emilia Romagna	2 060	41 665	13 971	136	2 787	1 210	513	2 196	44 452	15 181	6 231
Tuscany[c]	472	7 998	3 520	57	1 021	480	112	529	9 019	3 988	1 312
Umbria	176	3 497	1 509	27	383	94	48	203	3 880	1 603	635
Marches	354	6 974	2 718	24	434	224	155	378	7 308	2 942	1 677
Latium	724	16 331	9 187	44	1 472	1 009	131	768	17 803	10 196	1 470
Abruzzi	447	8 186	3 634	35	744	534	125	482	8 930	4 168	1 276
Molise	182	3 196	2 066	7	111	81	46	189	3 307	2 147	358
Campania[c]	209	4 800	2 958	17	356	261	72	226	5 156	3 119	1 793
Apulia	374	8 192	3 767	16	235	66	92	400	8 427	3 833	2 045
Basilicata	12	503	284	-	-	-	6	12	503	284	193
Calabria	118	1 683	800	8	94	10	41	126	1 777	810	329
Sicily[c]	795	15 000	8 107	42	753	346	188	837	15 753	8 453	3 488
Sardinia[d]	-	-	-	-	-	-	-	-	-	-	-
ITALY	12 224	259 449	108 344	1 294	26 161	11 660	3 221	13 518	285 610	120 004	40 711
NORTH-CENTRE	10 087	217 909	86 828	1 169	23 858	10 362	2 851	11 256	241 777	97 190	31 229
SOUTH	2 137	41 540	21 516	125	2 293	1 298	370	2 262	43 833	22 814	9 482

Table VIII

Number of days, by region and by sex of person compensated. Official data

UNEMPLOYMENT IN AGRICULTURE - YEAR 1983

Region	Absolute figures			Average duration per person compensated		
	MALES	FEMALES	TOTAL	MALES	FEMALES	TOTAL
Piedmont	182 024	278 186	460 210	128.5	157.6	144.6
Valle d'Aosta	36 290	19 341	55 631	104.9	111.2	107.0
Lombardy	376 584	394 649	771 233	127.1	151.4	138.5
Trentino-Alto Adige	229 998	316 890	546 888	110.9	110.6	110.7
Veneto	595 172	1 200 219	1 795 391	120.4	153.6	140.7
Friuli-Venezia Giulia	45 208	80 397	125 605	115.9	134.7	127.3
Liguria	63 310	152 546	215 856	134.7	150.7	145.7
Emilia Romagna	2 150 888	5 774 216	7 925 104	125.3	149.5	142.1
Tuscany	537 388	652 522	1 189 910	123.9	145.2	134.7
Umbria	314 868	392 752	707 620	118.1	133.5	126.2
Marches	376 214	347 192	723 406	137.0	148.6	142.3
Latium	1 169 537	3 189 827	4 359 364	151.0	164.0	160.3
Abruzzi	451 253	467 924	919 177	133.7	156.9	144.6
Molise	126 595	325 989	452 584	144.7	166.8	160.0
Campania	5 992 413	15 610 361	21 602 774	162.2	164.8	164.0
Apulia	13 326 831	21 856 002	35 182 833	152.0	165.0	159.8
Basilicata	1 212 455	3 145 755	4 358 210	153.0	164.4	161.0
Calabria	6 073 260	15 430 789	21 504 049	153.0	161.8	159.2
Sicily	17 799 833	13 877 283	31 677 116	148.2	164.0	154.7
Sardinia	1 465 493	3 096 728	4 562 221	150.4	164.8	160.0
Italy	52 525 614	86 609 568	139 135 182	148.5	162.0	156.6

Table IX

Number of days, by region and by sex of person compensated. Official data.

UNEMPLOYMENT IN AGRICULTURE - YEAR 1984

Region	Absolute figures			Average duration per person compensated		
	MALES	FEMALES	TOTAL	MALES	FEMALES	TOTAL
Piedmont	176 952	258 347	435 299	129.5	155.9	144.0
Valle d'Aosta	48 445	18 940	67 385	102.4	95.2	100.3
Lombardy	383 595	383 658	767 253	128.6	149.6	138.3
Trentino-Alto Adige	208 756	317 060	525 816	113.5	115.6	114.7
Veneto	644 799	1 126 214	1 771 013	122.4	151.8	139.6
Friuli-Venezia Giulia	46 267	73 474	119 741	113.1	134.8	125.5
Liguria	61 455	145 098	206 553	135.1	150.4	145.5
Emilia Romagna	2 053 808	5 453 713	7 507 521	126.3	150.7	143.1
Tuscany	536 407	606 619	1 143 026	127.6	144.7	136.1
Umbria	323 768	385 592	709 360	119.7	134.4	127.3
Marches	353 617	319 170	672 787	135.4	147.5	140.9
Latium	981 131	2 947 775	3 928 906	150.9	164.3	160.8
Abruzzi	512 561	463 845	976 406	146.2	156.2	150.8
Molise	100 502	214 340	314 842	152.3	170.1	164.0
Campania	4 423 104	13 237 600	17 660 704	158.3	163.5	162.2
Apulia	10 289 696	16 452 280	26 741 976	157.6	165.9	162.6
Basilicata	1 063 977	2 896 898	3 960 875	154.3	163.5	162.2
Calabria	5 485 391	13 700 697	19 186 088	154.0	160.7	158.7
Sicily	13 044 882	10 426 915	23 471 797	156.4	163.0	159.3
Sardinia	1 107 293	1 963 603	3 070 896	151.3	161.8	159.7
Italy	41 616 406	71 391 638	113 236 244	151.8	161.3	159.6

Table X

Day nurseries (in operation) (former Law No. 1044/71, former National Charity for Mothers and Children and other sources)

Region	1983	1984	1985	1986
Piedmont	260	251	251	246
Valle d'Aosta	5	5	5	5
Lombardy	434	434	437	439
Bolzano	5	6	6	6
Trentino	21	19	20	20
Veneto	114	110	114	121
Friuli-Venezia Giulia	23	25	25	25
Liguria	65	69	67	67
Emilia-Romagna	336	333	335	336
Tuscany	169	170	176	176
Umbria	52	53	54	54
Marches	84	85	83	84
Latium	172	172	177	176
Abruzzi	55	54	53	58
Molise	4	4	4	4
Campania	41	40	43	35
Apulia	84	83	91	102
Basilicata	17	27	28	29
Calabria	26	25	28	27
Sicily	47	52	54	70
Sardinia	23	23	26	42
Italy	2 037	2 040	2 077	2 122

Table XI

Total number of child places (former Law No. 1044/71, former National Charity for Mothers and Children and other sources)

Region	1983	1984	1985	1986
Piedmont	12 257	11 706	11 741	11 647
Valle d'Aosta	150	140	140	140
Lombardy	20 324	20 407	20 381	20 401
Bolzano	485	465	465	465
Trentino	1 010	950	990	970
Veneto	5 856	5 655	5 835	6 195
Friuli-Venezia Giulia	930	1 145	1 145	1 141
Liguria	2 842	2 911	2 796	2 955
Emilia-Romagna	16 304	16 206	16 246	16 288
Tuscany	7 031	6 934	7 187	7 187
Umbria	1 906	1 980	2 013	2 150
Marches	3 325	3 177	3 173	3 169
Latium	9 286	9 294	9 476	9 459
Abruzzi	2 276	2 087	2 046	2 166
Molise	160	180	180	210
Campania	2 160	2 172	2 226	2 033
Apulia	4 547	4 486	4 991	5 586
Basilicata	828	1 083	1 093	1 152
Calabria	1 082	1 022	1 172	1 111
Sicily	3 050	3 285	3 370	4 090
Sardinia	1 122	1 072	1 252	2 008
Italy	2 037	2 040	2 077	2 122

Article 12

Protection of women in the field of health

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Nothwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

The National Health Service, established under Law No. 833 of 23 December 1978, guarantees to all citizens access to public health services and equality of health care as comprehensive and as necessary as may be required for the protection or recovery of their health.

This measure abolished the earlier mutual insurance system organized by occupational sectors and financed by insurance contributions. The purpose of the new legislation was to introduce some democratic features into the public system and to ensure universal provision of better social care in order to meet health needs.

Under these principles, the care provided by the National Health Service was offered virtually free of charge.

During the years which followed, owing to the constantly rising cost of the service, a system of participation was introduced under which the recipient of certain types of care bears some of its cost. The underlying reason for the introduction of partial but progressive payment for services was the need to establish some very slight form of financial dissuasion in order to discourage excessive recourse to certain forms of care (particularly pharmaceuticals and laboratory diagnoses). More recently, this system has come to be regarded simply as an essential measure for containing health costs.

In the area of protection of mothers and children, the National Health Service provides, in particular, services of different kinds designed to meet the increasing needs of women and children throughout the biological cycle:

- During the period prior to conception, in order to provide sex information and education so as to promote responsible and conscious choices in the matter of parenthood;

- During the period of conception, in order to reduce the risk factors connected with the life and work environment, as well as genetic and toxic

Protection of women's health - understood here as their psychological, physical and sexual well-being - is also ensured through a policy of prevention. In particular, an extensive range of preventive measures are taken in relation to tumours of the female genital area, abortion and health in the workplace (housing, factories, farms, local environment).

Under Law No. 405 of 29 July 1975 a network of Counselling Centres was set up. These provide a social and health care service for individuals, couples, families and mothers. One of the reasons for the inclusion of these Centres in the public health system was the important new approach - compared with the earlier one that had led to the health reforms introduced by Law No. 833/1978, in which health was seen as a form of welfare and emphasis was placed, not only on physiological and organic aspects, but also on psychological and social aspects, the individual being considered globally and as a whole.

The aim, in providing these Centres, was to ensure an appropriate level of social and psychological assistance in the training of future parents.

The aim was to increase the parents' sense of responsibility towards the expected child. The Centres are set up as units for dealing with all questions relating to couples and families, "including problems of minors".

Clearly, therefore, the Counselling Centres must not be regarded as a service reserved exclusively for women and for one particular aspect of their life: childbearing, considered only from the physiological standpoint and therefore of importance only from the health aspect.

In order to obtain a complete picture of the Counselling Service, it should be noted that, as is clearly indicated in article 1 of Law No. 3405/1975, the Counselling Centres provide a specific service designed to support the family as such and its members, beginning with the wife, and also to provide support for husbands and children, not only in regard to health, but also in regard to social health matters, and therefore relationships.

It is in this context that special attention is paid to responsible parenthood and therefore the Centres, while respecting the ethical beliefs and physical integrity of all those consulting them, have the necessary facilities to enable couples to achieve their freely chosen objective. If there is to be responsible parenthood on the basis of awareness, the husband too must be involved, for this is a matter involving the couple.

The Centres are, of course, also entrusted with ensuring overall protection of the mother and the child she has conceived.

Finally, they are also responsible for providing information aimed at promoting or preventing pregnancy, by giving necessary advice on appropriate methods and medications.

The operation, planning and supervision of the Counselling Centres is the

one Counselling Centre per 10,000 inhabitants in rural areas and one Centre per 23,000 inhabitants in urban areas. This calls for an investment of 95 billion lire over the three-year period.

As is the case with the other health facilities and services, the distribution of the Counselling Centres by geographical areas and regions shows an imbalance between the central and northern region and the south.

The national average, for Italy as a whole, is 1.5 Counselling Centres per 10,000 women of child-bearing age.

Table I shows the regional variations in this ratio.

Law No. 194 of 22 May 1978 established rules to govern the social protection of motherhood and voluntary termination of pregnancy. Article 2 of the law specifies the functions of the Family Counselling Centres for assistance to pregnant women. In addition to citing the original functions of social and health protection for mothers, it lays down rules to govern voluntary termination of pregnancy.

Article 1 of Law No. 194/78 provides that "The State guarantees the right to voluntary and responsible parenthood, recognizes the social value of motherhood and ensures protection of human life from its start.

"Voluntary termination of pregnancy, as referred to in the present law, is not a means of birth control." For the achievement of these objectives, the law assigns to the Family Counselling Centres specific functions aimed at helping pregnant women:

(a) By informing them concerning their rights under national and regional law, concerning social and health services and concerning the practical aid furnished by the organizations functioning in their area;

(b) By informing them concerning means of ensuring observance of the labour legislation rules on protection of pregnant women;

(c) By taking (or by recommending to the local body or organization concerned) special measures whenever motherhood or pregnancy create problems for the solution of which the normal action referred to under (a) above is insufficient;

(d) By helping women to overcome factors which might induce them to terminate a pregnancy.

Law No. 436 of 1 August 1978, "Rules supplementing Law No. 898 of 1 December 1970 governing the dissolution of marriages", entitles women to health aid even in cases of separation from a spouse in respect of whom a judgement dissolving the marriage and terminating its civil effects has been given.

Table I

NUMBER OF FAMILY CONSULTATION CENTRES IN OPERATION

REGION	PUBLIC		NUMBER OF CONSULTATION CENTRES PER 10 000 WOMEN AGED 15-49 1986	PRIVATE	
	1985	1986		1985	1986
NORTHERN ITALY	1 058	1 115	1.7	94	101
Piedmont	(180) (1)	(180) (1)	1.7	(21)	(21)
Valle d'Aosta	19	22	7.8	1	1
Lombardy	(308)	350	1.5	29	36
Bolzano	1	(1)	0.1	5	(5)
Trentino	46	46	4.1	-	-
Veneto	105	105	0.9	14	14
Friuli-V.J.	34 (2)	34 (2)	1.1	5	5
Liguria	95	95	2.3	8	8
Emilia Romagna	270 (3)	282 (3)	3.0	11	11
CENTRAL ITALY	629	629	2.3	32	31
Tuscany	(338)	(338)	3.9	(8)	(8)
Umbria	75 (4)	75 (4)	3.9	2	(2)
Marches	96	(96)	2.8	(10)	(10)
Latium	120	120	0.9	12	11
SOUTHERN ITALY	359	360	1.0	38	36
Abruzzi	62	(62)	2.0	9	(9)
Molize	6	7	0.9	2	1
Campania	105	105	0.7	(7)	(7)
Apulia	(92)	(92)	0.9	(11)	(11)
Basilicata	37	37	2.5	2	1
Calabria	57 (5)	57 (5)	1.1	(7)	7
ITALIAN ISLANDS	113	113	0.7	13	13
Sicily	57	57	0.4	7	7
Sardinia	56	(56)	1.3	6	(6)
ITALY	2.159	2.217	1.5	177	181

(1) The number refers to all the counselling centres except the 42 paediatric counselling centres which, in Piedmont, are separate establishments.

(2) There are also 21 annexes.

(3) Including annexes.

Table II

Year	Death following complications during pregnancy, confinement or childbirth*	Live births*	Maternal death rate (number of deaths per 10 000 live births)
1975	214	827 852	2.58
1976	188	781 683	2.40
1977	125	741 103	1.68
1978	121	709 043	1.70
1979	82	670 221	1.22
1980	84	640 221	1.31
1981	82	623 103	1.31
1982	59	619 097	0.95
1983	55	601 928	0.91
1984**	67	585 972	1.14
1985**	54	575 495	0.93
1986**	41	554 845	0.73

* Data provided by ISTAT.

** The figures are not definitive.

Table III

Congenital malformation	1981		1982		1983	
	Born with a congenital defect	No. per 10 000 births	Born with a congenital defect	No. per 10 000 births	Born with a congenital defect	No. per 10 000 births
Anencephalia	38	3.37	29	2.31	38	2.73
Spina bifida	64	6.51	60	4.79	49	3.52
Hydrocephalia	28	2.85	44	3.51	44	3.16
Cardiopathy*	113	12.01	128	10.21	197	14.14
Cleft palate	54	5.50	70	5.59	65	4.67
Cheilo-palatine fissure	77	7.84	70	5.59	103	7.39
Atresia of oesophagus	32	3.26	36	2.87	34	2.44
Anorectal atresia	39	3.97	42	3.35	46	3.30
Renal agenesis/ disgenesis	35	3.56	37	2.95	50	3.59
Talipes varus	134	13.64	180	14.36	153	10.98
Polydactilism	107	10.89	105	8.38	108	7.75
Absence or shortness of limbs	77	7.84	72	5.75	83	5.96
Diaphragmatic hernia	30	3.05	30	2.39	45	3.23
Omphalocele/abdominal fissure	37	3.77	37	2.95	28	2.01
Down's syndrome	136	13.84	165	13.17	165	11.84
Total number of children born under medical supervison	98 270		125 314		139 320	

* The cases of cardiopathy referred to are only a small proportion of the total, because the cases which may be discovered during the first week of life

Article 13

Elimination of discrimination against women in other areas of economic and social life

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

In Italy, women suffer no discrimination in comparison with men in the various areas of economic and social life.

Under the regulations in force and in terms of the practical implementation of each of the legislative and regulative provisions, equality can be said to be absolute.

Article 14

Status of women in rural areas

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(g) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

14.1 Employment of women in agriculture

The most significant aspect of the trend of employment in agriculture in Italy since the post-war period is the exodus, lasting from 1960 to the present day, in which approximately 6 million persons have abandoned work on the land.

The industrial transformation of the country and the modernization of the primary sector were the causes of this exodus, which gave rise, at a very high social cost, to a dual movement: from the rural to the urban areas and from the southern region to the north.

This phenomenon has affected all the regions of Italy, as can be seen in table I, and all types of workers in agriculture, both self-employed and wage-earning, but predominantly the self-employed and their helpers.

TABLE I

EMPLOYMENT TRENDS BY SECTOR AND BY GEOGRAPHICAL REGION (1951-1980)
(percentages)

YEAR	NORTH-WEST			NORTH-EAST			CENTRE			SOUTH		
	Agri cul-ture	In-dustry	Ter-tiary	Agri cul-ture	In-dustry	Ter-tiary	Agri cul-ture	In-dustry	Ter-tiary	Agri cul-ture	In-dustry	Ter-tiary
1951	25	46	29	48	26	26	44	26	30	57	20	23
1960	18	51	31	33	35	32	33	32	35	44	27	29
1970	9	55	36	19	42	39	16	38	46	31	32	37
1980	7	49	45	13	41	46	10	35	55	24	27	49

Source: Based on I.S.T.A.T. data.

(Taken from C.N.E.L.: "Forecasts, trends and changes in the use of human resources and income in agriculture, with special reference to employment of young people, Rome 1985).

While there has been an overall decline in the number of workers in agriculture as a result of the changes that have taken place in the Italian economy, it will be noted that there has been an increase in recent years in the proportion of women working in agriculture, both as self-employed and employed workers.

This so-called feminization of the agricultural labour force is particularly marked in the southern regions (see tables below).

PROPORTION OF WOMEN AMONG SELF-EMPLOYED AGRICULTURAL WORKERS
(percentages)

YEAR	1961	1965	1970	1975	1980
North-west	32.6	30.8	27.9	29.2	32.8
North-east	33.9	30.8	27.8	27.6	30.5
Centre	38.3	25.6	33.1	31.4	34.3
South	37.9	35.0	35.5	37.4	38.4
Italy	36.2	33.3	31.9	32.6	34.9

PROPORTION OF WOMEN AMONG AGRICULTURAL EMPLOYEES
(percentages)

YEAR	1961	1965	1970	1975	1980
North-west	16.6	11.7	10.7	14.0	18.4
North-east	34.2	26.5	30.4	32.8	35.5
Centre	26.6	18.7	13.6	18.6	26.4
South	28.8	31.1	32.4	35.8	42.1
Italy	28.0	27.6	28.5	32.3	38.0

(Taken from CNEL: "Forecasts, trends and changes in the use of human resources and income in agriculture, with special reference to the employment of young people", Rome 1985.)

This trend, together with the aging of the farming population, has often been interpreted in the past as indicating a decline, as it were, in the skilled occupation of farming.

However, this interpretation now seems to be superseded and there is an increasingly marked awareness of the fact that women workers in agriculture constitute a major resource in terms of both their contribution of skilled manpower and their higher level of education and the support they are giving to the restructuring of agricultural enterprises that is now beginning (e.g. multi-purpose farms).

The latest labour force data (1986) enable us to present the following picture taken from the report to the Congress of the Coldiretti Women's Movement by Prof. Vito Saccomandi "Women and Agriculture, the Outlook for the South", Naples 1988.

"With regard to female employment, the most significant features of the report may be summarized as follows:

"(1) A relative homogeneity in the category (employee, self-employed) distribution, compared with the male workers in agriculture. If, in the case of each sex, the total number of person economically active in agriculture is assumed to be 100, the proportion of self-employed is 64 per cent for males compared with 61 per cent for females;

"(2) A substantial structural diversity in the territorial distribution of agricultural workers. In the south, there are 1.5 economically active males for each economically active female, whereas in the north, the ratio is 2.1 to 1. Furthermore, in the south are concentrated 73 per cent of the employed females, as compared with only 46 per cent of the self-employed females;

"(3) In the south, there are as many female employees as female self-employed in the sector, whereas in central and northern Italy after 1977 there was a greater exodus of employees (6.7 per cent as against 3.3 per cent of the total exodus, compared with 4.3 per cent and 3.5 per cent, respectively, during the period 1977-1986);

"(4) In the south, there are more female workers than male workers in the 24-54 age group in the case of employees and in the 25-44 age group in the case of the self-employed. These figures differ considerably from those for central and northern Italy;

"(5) A significant feature of the female agricultural labour force in the south is the strengthening, during the period 1978-1986 of the 20-44 age group in the case of employees, whereas in the case of the self-employed this consolidation affected only the 25-29 age group. In the case of employees, however, the over-65 age group expanded considerably.

"This last-mentioned fact, compared with the points which may be noted concerning the numbers of male workers, tends to emphasize the extent to which the stabilization of the number of employees and of women workers, as well as the beginning of a "hand-over" from the older to the younger workers, are phenomena which tend to be concentrated mainly in central and northern Italy.

"In these regions, moreover, agriculture is playing an increasing role in the expansion of the tertiary sector. This is clearly an interesting trend, to be seen as the real new development of this decade, interrupting the tendency towards an exodus of the non-active, or a transfer of the "expelled" workers into the "non-economically-active" category (housewives, retired persons, etc.).

"In the south, on the other hand, the rate of hand-over to younger workers seems to be worsening and this should ultimately lead to a further aggravation of the aging process. The displacement of the agricultural labour force seems to be following the traditional models.

"It is in the south that the mobility of labour seems to be most connected with psychological mechanisms which Barbero and Marotta recently defined as "encouragement-discouragement" as changes occur in the agricultural economy (in this context, the economic growth of forestry production seems determining) and the transformation of the agricultural sector into an employment "buffer sector" becomes more marked.

"There are also signs in the south of an increasing difference between the exoduses of economically-active and non-economically-active persons: men form the bulk of the former and women that of the latter.

"As is more generally the case for the older-worker category, the female agricultural labour force is affected by the seasonal production cycle (especially in tree cultivation). Women enter the labour market during the favourable periods and then leave it, without entering the ranks of the unemployed, during the unfavourable periods, thus remaining essentially precariously employed, especially in the case of the self-employed.

"In the south, self-employed work, i.e. that of women farmers, is very extensive at the intermediate-age levels and this shows the increasing importance which women workers are beginning to assume in the management of family enterprises, even allowing for the decline in the older workforce."

These comments give us some idea of the different ways of interpreting the situation of female workers in agriculture, noting not only the conflicts and the precariousness, but also, as pointed out earlier, the fact that women workers in agriculture constitute a resource to be encouraged and developed. With further reference to the specific aspect of self-employed work in agriculture, it should also be noted that as many as 52.1 per cent of the agricultural enterprises in Italy (INSOR data) are able to function thanks to the vital contribution of women workers. The female presence is greatest in the smallest enterprises (five to seven hectares). Although it is still considerable in enterprises up to 50 hectares, it gradually decreases, the greater the size of the enterprise, until the high-technology farms are reached, when the number of women is again substantial.

This increasing importance of women in agriculture, by whom men are beginning to be replaced, may be said to indicate the development of a competitive presence of women in this sector.

Finally, it should be noted that in areas of particular natural or historical interest farm income is often increased by para-agricultural activities that supply the market, not only with products, but also with services. These include agro-tourism activities in which women play a central role because of their special skills in the area of receiving visitors.

14.2 Legal position of women in agricultural enterprises

In the Italian legal system it is not possible to identify a specific status of women with reference to an "agricultural enterprise".

A further initial comment which should be made relates to the legal distinction that is made in our laws and regulations between an agricultural enterprise and a farming unit (exploitation). The former might be defined as the organization by an entrepreneur of factors of production, consisting essentially in supervisory and management functions, but which may also consist of manual work activities. A farm unit, on the other hand, consists of all the goods organized by the entrepreneur in order to carry out an economic activity. Some thought is now being given to this distinction in order to see to what extent it corresponds to the facts, which are, moreover, in a state of change.

It should be noted that, in Italy, a person practising one of the professions is not considered an entrepreneur and therefore has no operating unit (exploitation).

In enterprises in general (whether agricultural, industrial, artisanal or commercial) the following cases may be found:

(a) The woman may be an individual entrepreneur in that she alone may organize all the factors of production, although she does not own the production unit (which may also be held on a rental or leasing basis or otherwise);

(b) The woman may be a co-entrepreneur together with her spouse, and the enterprise may be managed by both and constitute a joint enterprise. The operating unit, if established after the marriage, is the property of both, on a 50-per-cent-share basis, as are the profits and any expansion adding value to the unit. If, however, the enterprise was owned by a single spouse before the marriage but was subsequently managed by both, there will be community only of the profits and added value, again on a 50-per-cent-share basis;

(c) The woman, as spouse, daughter, or relative in not more than the third degree, may participate in a family enterprise. In this case the spouses, the relatives up to the third degree and relatives by marriage up to the second degree co-operate on a continuous basis in the enterprise. With regard to this new form of enterprise, introduced with the 1975 reform of the Family Law, the question whether it is individual or collective is currently under discussion.

According to one viewpoint there can never be more than one entrepreneur and the position of the other participants remains strictly that of persons helping in his activity. Those holding this view consider that the law introduced mainly the principle of protection of family work, which should no longer be considered as unremunerated.

According to another view, which seems more convincing, what has been introduced is rather a new type of collective and jointly managed enterprise which cannot, however, have the form of a genuine company or corporation. According to this viewpoint, there is no longer any single entrepreneur since that status is given to the entire group of participants, in which all the members are of equal status and have equal rights and duties. This view is based on legislative provisions which may be summarized briefly as follows:

- All the participants are entitled to subsistence;

- All are entitled to a share in the profits in proportion to the quality and quantity of the work they furnish, both in the enterprise and in the family (the work of women is equivalent to that of men), as well as to a share in any increase in the value of the operating unit and of any goods acquired, including profits set aside and not distributed. All the participants are also entitled, upon termination of their participation in the enterprise or upon the dissolving of the latter, to payment of their share in the assets corresponding to their period of active participation in the enterprise or work in the family, according to the enterprise;

- Special administrative decisions concerning the management of the farm unit are taken, by majority vote, by a meeting of the participants, in which each participant has a vote;

- If the farm unit has only a single owner, the latter shall not, as such, have a privileged position in the enterprise. The unit, made available to the family enterprise, remains his exclusive property (however, any value added to the unit must be placed in the names of the participants in proportion to their share, and not only in the owner's name) and the participants acquire no rights in the original property;

- In the event of transfer of the unit inter vivos or of divided succession, the participants have a right of pre-emption;

(d) Apart from these special forms of participation by women provided for under the new family law, it is also, of course, possible, in any event, for women to participate as shareholders, where a company or corporation is set up, as provided in the Civil Code, or for a woman to work as a regular employee under a labour contract.

The problems and difficulties arise from the inadequate application of the rules governing family enterprises. This is probably due to the wording adopted, which may lend itself to interpretations tending to limit the scope of the rules, and to a continuing tendency to view the family from a hierarchic and not a community viewpoint.

From the community viewpoint, emphasis should be placed on consideration of the question of practical equality between men and women in work. The directive of 9 February 1976 (76/207) seems inappropriate for dealing with the specific problems of the female self-employed or independent workers. It is necessary, at the European level, to develop a definition of the occupational status of women farmers, based, on the one hand, on family law and, on the other, on the establishment of the legal status of family agricultural enterprises.

14.3 Social security

Italian law ensures for equal treatment for men and women in respect of social security in the field of agriculture.

Since insurance is obligatory even for independent or self-employed workers participating in a family agricultural enterprise, we shall examine below the various benefits to which all those directly engaged in farming are entitled.

Work-related accidents and occupational illness

Benefits in kind, daily compensation for any period of statutory suspension of work as a result of an absolute temporary incapacity, a pension proportional to the

disability calculated on the basis of an agreed remuneration; a pension payable to members of the family of a female farm worker who dies as the result of a work-related accident or occupational illness.

Disability and old age

Regular disability allowance, disability pension (100 per cent), disability pension paid directly to a female farm worker whose work capacity has been diminished even though she has not reached retirement age; old age pension paid to female farm workers when they have completed their sixtieth year.

With reference to the last-mentioned benefit, attention is drawn to the only difference in treatment between men and women: the retirement age for men is 65 while that for women is 60.

With further reference to the old age pension, it is pointed out that both men and women can continue to engage in their occupation even beyond these age limits.

Sickness

Health benefits, but no financial benefit in the event of suspension of work because of illness.

Family allowances

Family allowances are paid in respect of dependent children who have not yet completed their eighteenth year (payment may be extended up to the age of 21 years and even 26 years to enable such children to complete their secondary or university education).

Maternity benefits

On 17 December 1987 legislation relating to maternity benefits for independent or self-employed female workers was enacted. This legislation had been long needed and sought for.

It replaces regulations which had been in force since 1971 and which provided for a flat birth allowance of 50,000 lire for women directly engaged in farming.

The new law provides for an allowance equal to 80 per cent of the minimum daily wage of agricultural workers, calculated for the two months preceding confinement and the three months following it (at present the allowance should exceed 3 million lire).

In the case of miscarriage or therapeutic abortion, the allowance is calculated for a period of one month and, in the case of adoption of a child, for three months following the child's effective joining of the family.

The financial coverage provided by this law is ensured by means of contributions of 18,000 lire per active person registered as a participant in the obligatory general insurance scheme for persons directly engaged in farming.

The enactment of this law constitutes a considerable achievement, since it provides for independent or self-employed female workers the same treatment as for female employees and because it recognizes, in practice, the work done by women in agricultural enterprises and thus their right, not to some form of assistance, but to equitable treatment in respect of maternity protection.

14.4 Vocational training

In the matter of access to vocational training, no distinction is made that is based on a different legal status of women in agricultural enterprises. Action in the field of training now tends to deal globally with the question of the various aspects of the activities of agricultural entrepreneurs.

However, although home economics courses have been set up with the aim of gradually inducing men to participate in training in this subject, the classes are still fairly small and are still attended by women.

It is in practice that the problems and difficulties arise and they are related to the woman's role. It is always more difficult for the woman to absent herself from the home, even to attend a vocational training course.

Such courses should be organized (as regards their location, timing, etc.) in such a manner as to facilitate participation by women. Some consideration is being given to the idea that courses in agricultural entrepreneurship for women only might help to encourage women, at least in certain areas.

Such measures would be of special importance, in view of the current increasing need for skilled workers in the field of agriculture. New technologies are being used in farming and agricultural production is now linked with a much vaster market that requires better quality rather than greater quantities of products. There is also a need for women with skills in the area of economic association activities.

The commitment to provision of vocational training for women is taking the form of genuine positive action in favour of women working in the agricultural sector. Unfortunately, however, the action being taken is scattered and no data can be provided on the access of women to vocational training, since none are available in the public agencies.

14.5 Participation and representation

Participation is an incentive to the regaining by women of opportunities for political, economic and social decision-making. If women are to count more, to voice their own demands and to make their own contribution to development, they must be present where there are opportunities for creating and renewing social relationships.

It is in the schools, the counselling centres, the publicly elected bodies, the public institutions, the political parties and the trade unions that active participation in society takes place.

Unfortunately, the participation of women in these various bodies is low, even if it is quite different from and exceeds that of some years ago. Nevertheless much has changed in the mentality, way of life and culture of rural women.

The "working farmer" family is today much more open to the outer world and more aware of its own inner world. There is a rediscovery of the need for the young family nucleus to be independent of the parents, which does not mean a break with the family to which it belongs, but rather the possibility for the young family to express its own individuality and to determine its own basic role. Efforts are being made to enable women to exercise their own professional skills within the family and to play a role that is not secondary.

In the field of inter-personal and family relationships, there is an increasing recognition of the need to cast off a certain cultural conditioning which weighs heavily on women generally and on rural women in particular. Sharing with other women the problems and difficulties of membership of a family enables farming women to emerge from certain forms of isolation and to compare their situation with that of others and thus to make it no longer the symbol of a fate, but rather a common and therefore modifiable experience.

The opening up of family relations is enabling women to take a positive view of the dispersion of families where there are different sources of income, i.e. families in which some of the members work full time on the farm, while others have other occupations. In this connection, women are demanding, in particular, a greater flexibility of the rules governing the economic relations between members of a family where there are different sources of income, with special reference to problems of inheritance (article 230 bis of the Civil Code and article 48 of Law No. 203 on agrarian contracts would seem to constitute a useful starting point).

With the possibility of establishment of community-type families, many young women now feel more attracted than formerly to farming as an occupation. This trend should be encouraged both by the provision of training and by the development of local service organizations. Women see the establishment in their area of social services (day nurseries, family counselling centres, etc.) and support services as a basic prerequisite for their self-fulfilment as women and as workers.

In the matter of access to and representation in occupational or professional organizations, there is no official discrimination against women as compared with men. In practice, however, and to a greater extent in the south, women are not generally well represented in the decision-making bodies.

This is one of the reasons why it is important and necessary to have active women's movements and committees that provide forums for expression of the new women's individuality. These have recently been making known their objective of increasing the representation of women in the professional organizations.

With regard to co-operatives, Italy's legislation provides for direct participation in these organizations only of the owners of farms (most of whom are men).

The members of a farming family who work on the farm (spouse, children, etc.) may participate in co-operatives only by delegated authority of the farm owner.

The presence of women in co-operatives and in producers' associations is generally very limited, either because of the above-mentioned legal rules or because these bodies, as well as the professional bodies, function and are often seen by women as functioning as places for men.

The efforts being made by organized rural women are currently aimed at a policy of equality of opportunity that will enable women to share the responsibility of decision-making, of making choices and of representation, both within the farming enterprise family and within the professional and economic organizations functioning in the field of agriculture.

Article 15

Equality of men and women before the law

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

The Italian system includes no legislative provision conflicting with the general and absolute principle of equality of men and women before the law in regard to legal capacity in civil matters, in regard to contracts and in regard to freedom of movement.

In particular, under the Constitution, all persons acquire the capacity to be a subject of law at their birth (article 1 of the Civil Code) and the capacity to take legal action upon reaching their eighteenth year (article 2 of the Civil Code).

From the legal standpoint, women enjoy equality of rights with men as regards the conclusion of contracts and the administration of property and, since the principle of equality (even of a man with a woman) is established by the Constitution, the relevant rules of which are directly applicable, any contract restricting the legal capacity of women can have no legal validity (article 1418 of the Civil Code).

Freedom of movement and sojourn in the territory of the State is also provided for in the Constitution (article 16) and the rules relating to choice of residence and domicile are exactly the same for men and for women (article 43 of the Civil Code). Where marriage takes place, the residence of the family is chosen according to the requirements of the two spouses and the needs of the family are paramount (article 144 of the Civil Code), while each of the spouses has his or her domicile in the place where he or she has established his or her principal place of business or interest (article 45 of the Civil Code).

Article 16

Equality in all matters relating to marriage and family relations

Article 16

1. States Parties shall take all appropriate mesures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Family law was substantially modified in the first place by a number of judgements by the Constitutional Court which - thanks also to the development of a greater awareness as a result of pressure by women's movements, political parties and other social forces - abolished the earlier forms of discrimination with reference to two article of the Constitution, article 29 (equality of rights and duties in marriage) and article 30 (rights and duties of parents towards their children). Family law underwent a substantial change as a result of the enactment of Law No. 151 of 29 May 1975.

This law, which introduced radical innovations in this field, was a result mainly of the requirement for the legislation to take meaningful account of the changes that had been taking place in the family and in society and to eliminate the age-old concept of subjection of women, which had its most tenacious roots in moral and social beliefs that had existed for millenia.

It therefore clearly forms part of the practical implementation of the programme established by the General Assembly of the United Nations on 18 December 1972 and thus anticipates the principles laid down in the Convention.

One of the most significant innovations of the new system is the extension of the exercise of paternal authority to the two spouses and thus the abolition of the traditional image of the pater familias and recognition that the wife, within the family, has full rights and duties.

(a) The Italian legal system establishes the principle that women and men have the same right to enter into marriage. Law No. 74 of 6 March 1987 repealed article 89 of the Civil Code, which prevented a woman from entering into another marriage less than 300 days after the dissolution, annulment or termination of the civil effects of the preceding marriage.

(b) Women and men enjoy the same right freely to choose their spouse and to enter into marriage with their full and free consent.

(c) The two spouses acquire through marriage the same rights and they assume the same duties: a reciprocal obligation of fidelity, moral and material assistance, co-operation in the interest of the family and cohabitation, as well as the obligation to contribute to meeting the needs of the family, according to the property they own and their working capacity.

As will be noted, the previously-mentioned Law No. 151 of 19 May 1975 modified the rules relating to the reciprocal duties of the spouses and to the authority and duties of the husband, and it established a new organization of the family community based on solidarity and on the equality of the spouses, who have equal rights and equal duties to co-operate in the higher interest of the family.

The choice of the family residence is the joint responsibility of the spouses and either of them may, in the event of disagreement, seek the intervention of a judge.

Even in the matter of rights and responsibilities in connection with the dissolution of marriage, men and women are treated on an equal basis.

The rules applicable to dissolution of marriage were introduced in Italy by Law No. 74 of 6 March 1987 which reduced to three years the period of separation necessary before divorce can take place.

With regard to the determination of alimony payable to the spouse with the least financial resources, the 1970 Law provided that the judge should take account of the "direct personal financial contribution made by each of the spouses to the family and to the family assets" and the evaluation of household work has therefore now assumed major importance. In determining alimony, account must also be taken of the reasons for the separation of the spouses and of their individual financial resources and situation, in the light of the level of social life they have attained.

Law No. 74/87 restricted the payment of alimony to a spouse to those cases where the latter (usually the wife) "does not have sufficient resources or cannot, in any event, obtain them, for objective reasons".

This rule certainly penalizes the wife but, from the point of view of change, it is positive to the extent that it encourages her to achieve financial independence and retain it during marriage.

(d) In the case of marriage, the two parents have an obligation to provide for the subsistence of their children, to educate them and to see to their upbringing, taking account of their inclinations and aspirations.

The obligation to provide for the subsistence of and to assist their children continues even in the event of separation or dissolution of the marriage.

Under reformed family law, both parents have responsibility for exercising authority over their minor children, except in the special case referred to in article 316, paragraph 4, of the Civil Code, which provides that "if there is immediate danger of serious harm to the child, the father may take urgent measures that cannot be postponed".

This rule, which refers only to the father and does not refer also to the mother, contains a clear limitation of the principle of equality and certainly a limitation of the status of the mother that is all the more serious as she is generally the person in closest contact with the children.

(e) Under the Italian legal system there is no discrimination in access to information, education and means for exercising the right to decide the number of children and the spacing of births.

Law No. 405 of 29 July 1975 established the Family Counselling Centres, which are the social and health service responsible for family assistance and for responsible motherhood and paternity, as well as for protection of "the health of women and of the children they conceive", for the dissemination of information to encourage or prevent pregnancy with the object of "achieving the purpose freely chosen by the couple and by the individual within the framework of responsible parenthood and respect for the moral beliefs and physical integrity of the users" (article 1).

Law No. 194 of 22 May 1978 gave women the exclusive right to decide whether they should have an abortion. This right has been confirmed in a recent judgement of the Constitutional Court. Nevertheless, the above-mentioned law gives the counselling centres a central role, not only in assisting pregnant women, "by informing them concerning their rights under the law of the State and the region, concerning the social and health services and concerning the practical assistance offered by local organizations" (article 2 (a)), but also "by helping women to overcome any factors which might induce them to have an abortion" (article 2 (d)).

In the areas of guardianship, wardship, trusteeship and adoption of children, women and men have equal rights, as the law makes no distinction between them in these matters. Moreover, the relevant regulations are based on the paramount interest of the children and there may be no breach of the rules governing their protection.

In particular, a law on adoption, as a substitute for the relationship of natural filiation, was introduced in 1967 and improved in 1983 with the aim of ensuring protection for abandoned minors, i.e. those deprived of the help they need from members of their family and therefore in a situation where they may be adopted.

(g) It is not possible, under the Italian legal system, to choose one's family name.

Women, when they marry, add the family name of their husband to their own family name.

In the event of dissolution of the marriage, "the wife loses the family name which she had added to her own following the marriage", but she may be allowed, on application, to retain that name if it is in her interest or in that of her children for her to do so.

Legitimate children take the name of their father in accordance with a practice that was strengthened under the previous regulations, even though, under the new family law, there is no provision giving the name of the father to children born of the marriage.

The Constitutional Court, by its Order No. 586 of 11 May 1988, held that the failure to provide that a mother is entitled to transmit her family name to her legitimate children does not conflict with the constitutional principle of equality of the spouses. It based this view on a rule rooted in social practice and laid down with the aim of protecting family unity.

As regards the giving of a name to a natural child, article 262 of the Civil Code restricts the transmission of the mother's name inasmuch as it provides that, in the case of joint recognition, preference shall be given to the name of the father and, where the father recognizes the children after the mother has done so, he may give the child his own name in addition to or in replacement of the one which the mother has already given to the child.

(h) The major innovation introduced into the system of family property is the establishment of legal community of property as between the spouses, the new feature being the existence of joint property, which includes, under the law, property acquired during the marriage, whether it was purchased by only one of the spouses or by both.

The following are excluded from the community property under law and constitute the personal property of each spouse:

(a) Property that is for the strictly personal use of each of the spouses;

(b) Property used for the practice of a profession or occupation (except property for the operation of an undertaking that forms part of the community property);

(c) Property obtained as compensation for damage suffered and any pension paid in respect of total or partial loss of working capacity;

(d) Property of which the spouse was the owner prior to the marriage or in respect of which the spouse had a real right of usufruct;

(e) Property acquired subsequent to the marriage as the result of a gift or bequest;

(f) Property acquired with the proceeds of the transfer or exchange of personal property.

Community of property under law is a considerable innovation, since it establishes the equality of the spouses even in economic matters. It thus emphasizes the importance of and assigns a new value to work in the household, recognizing it as a source of income for the family property.

This property régime can be modified by an agreement concluded between the spouses.

Both spouses have the same rights in relation to the administration of property and representation. The family law reform also provides for four separate cases of entrepreneurial activity that may affect the legal community of property: a farm which belonged to one of the spouses prior to the marriage and which, after the marriage, is managed by the two spouses; a farm established prior to or after the marriage by one of the spouses and by that spouse alone; lastly, a family enterprise.

The last-mentioned case is of particular interest in relation to recognition of the work of women in the family.

The work of women "is considered equivalent to that of men". Furthermore, the wife contributes to the management of the enterprise, by participating in all decisions concerning it.

2. The new family law provisions specify that minors may not enter into marriage. They have abolished the previous distinction based on sex under which the minimum age for marriage was 16 years for men and 14 years for women.

Where a minor applies for permission to marry, it is only on serious grounds, after verification of the pyschological and physical maturity of the applicant and of the validity of the reasons advanced for doing so, and after having heard the parent or guardian, that a judge may allow the marriage to be entered into, provided the applicant is at least 16 years of age.

Marriages must be registered in a special register kept by the Registrar General.